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Letter dated 16 May 2008 from the Secretary-General to the President of the Security Council

I have the honour to refer to my report of 17 January 2008 on the United Nations Integrated Mission in Timor-Leste (UNMIT) (S/2008/26). In paragraph 12 of its resolution 1802 (2008), the Security Council welcomed my intention to send an expert mission to UNMIT in the first quarter of 2008 to conduct a thorough assessment of the requirements of the national police as well as possible adjustments needed to UNMIT police skill sets, and requested me to inform the Council of the finding of the expert mission.

I have received the mission report from the Team Leader and United Nations Police Adviser, Andrew Hughes. I fully support its recommendations and Mr. Hughes will stand ready to brief members of the Council on the content of the report, if requested to do so, as a follow-up to his 23 April 2008 presentation.

In the meantime, I have the honour to attach the mission report (see annex) and should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

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Annex

Report of the expert mission to Timor-Leste on policing, 17 to 27 March 2008

I. Introduction

1. In his report dated 17 January 2008 on the United Nations Integrated Mission in Timor-Leste (UNMIT) (S/2008/26), the Secretary-General informed the Security Council of his intention to send an expert mission in the first quarter of 2008 to Timor-Leste in order to conduct a thorough assessment of the requirements of the national police of Timor-Leste as well as possible adjustments needed to UNMIT police skill sets. The present report is submitted pursuant to paragraph 12 of Council resolution 1802 (2008), by which the Council welcomed the Secretary-General's intention and asked to be informed of the findings of the expert mission. The report considers areas of the broader rule of law and the security sector, to the extent to which they are directly related to policing in Timor-Leste. It also takes into consideration the report dated 6 December 2007 of the Security Council mission to Timor-Leste in November 2007 (S/2007/711).

2. The expert mission was led by Andrew Hughes, United Nations Police Adviser, Department of Peacekeeping Operations, and comprised other representatives of the Department of Peacekeeping Operations, the national police, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme (UNDP), the United Nations Population Fund, the International Center for Transitional Justice and UNMIT. During its visit to Timor-Leste from 17 to 27 March 2008, the mission met with more than 60 interlocutors, including the Interim President, the Interim President of the National Parliament, the President of the Court of Appeal, the Prime Minister, the Prosecutor-General, Cabinet ministers, the Secretary of State for Security, members of Parliament, leaders of political parties, civil society, the Catholic Church of Timor-Leste, senior representatives of the national police, the General Commander Designate of the national police, the Commander of the armed forces of Timor-Leste (Falintil-Forças de Defesa de Timor-Leste, F-FDTL), the diplomatic community, UNMIT senior leadership and police personnel and the Commander of the international security forces. The mission also consulted with representatives of the International Organization for Migration, the United Nations Children's Fund and the United Nations Development Fund for Women. In addition to meetings in Dili, the mission visited the Bobonaro district, including the border region with Indonesia at Batugade, to meet with local national police commanders and members of UNMIT. The mission also visited nine national police establishments and facilities.

II. Key concerns and issues

A. General considerations

3. Since the events of April/May 2006 (see S/2006/628 and S/2006/251 and Corr.1), the Government and people of Timor-Leste have demonstrated commitment to restore stability and normalcy in the country. The successful holding of elections in 2007, the formation of a democratically elected Government and Parliament, and

the functioning of the Parliament, Government and other State institutions are all testimony to progress achieved in this regard.

4. The overall security situation in the country has improved, as reflected in the steady decrease in criminal acts committed in the past year. According to UNMIT police, there were a total of 344 allegations of crimes committed against persons or property in February 2007, compared to 165 in February 2008. Several interlocutors also stated to the mission that there had been a general perceived improvement of the security situation in the past year. There has also been an observable increase in the operational capabilities and activities of the national police during this period, with support from UNMIT, as part of its reconstitution programme.

5. However, the attacks on the President and the Prime Minister of Timor-Leste on 11 February 2008 clearly illustrate the fragility of the security situation. Nevertheless, the response of the State institutions is also indicative of their growing resilience as they did not suffer the collapse that had occurred during the crisis of 2006. It should be noted that the rebuilding of the national police as an impartial, professional and reliable policing service, with sustainable systems and processes, is a long-term undertaking. Furthermore, some interlocutors expressed their concerns to the mission regarding the commitment of some elements of the F-FDTL to the rule of law, in particular in relation to the irregular correctional procedures applied to four members of the forces concerning criminal acts that they had committed during the 2006 crisis. The situation is further compounded by the fact that legal and administrative mechanisms to protect the national police from the politicization that contributed to its collapse in 2006 are not yet in place. In addition, an estimated 100,000 persons remain internally displaced, a continued humanitarian issue and security risk.

6. In this perspective, it is important to assess the current situation in relation to policing in Timor-Leste, in particular regarding the requirements of the national police and the possible adjustments needed to UNMIT police skill sets, within the broader rule of law and security sector reform contexts. This is to be done, in particular, by taking into consideration resolution 1802 (2008), including the emphasis by the Council on the need to implement fully the Arrangement on the Restoration and Maintenance of Public Security in Timor-Leste and Assistance to the Reform, Restructuring and Rebuilding of the National Police of Timor-Leste and the Ministry of the Interior (hereafter, the Policing Arrangement), concluded between the Government of Timor-Leste and UNMIT on 1 December 2006.

B. National police of Timor-Leste

General observations

7. Under section 147 of the Constitution of Timor-Leste, the national police has a responsibility to defend the democratic legality of the country, guarantee the internal security of the citizens, be strictly non-partisan and prevent crime, with due respect for human rights. In accordance with article 12 of Decree No. 3/2004 on the Organic Structure of the Ministry of the Interior it has, inter alia, the responsibility to guarantee the maintenance of public order, security and peace, prevent and combat crime and enforce border surveillance by controlling the movement of people and goods. The national police is structured in accordance with the administrative divisions of the country and comprises: (a) a General Command, which has

responsibilities over operations and administration as well as over the Professional Ethics Office; (b) the Superior Police Council, which has, inter alia, an advisory mandate concerning disciplinary matters and promotions; and (c) district and local commands. A national police academy is also in place, under the direct auspices of the Secretary of State for Security. The Government is currently undertaking efforts to draft a national security policy, which would serve as the basis for a redefinition of the current policing model and amendment of the required legislative framework (including Decree/Law No. 8/2004 on the Organic Law of the National Police of Timor-Leste), and which would be followed by a review of the national police structure and rank system, as well as the career development system, including promotion and pension policies.

8. As of 27 March 2008, a total of 3,108 national police officers were registered, including 494 in Dili, out of an authorized strength of approximately 3,200. This corresponds to a ratio of over 1 national police officer per 300 inhabitants; policing best practices indicate that this is most likely sufficient for the needs of the country.

9. Almost two years after the April/May 2006 crisis, substantive progress has been made in the reconstitution of the national police. The process of registration of national police officers was completed by 1 December 2007 with support from UNMIT. The national police was also able to provide substantive security assistance during the electoral process of 2007 and its operational capabilities have substantively increased in the past months, with the provision, albeit limited, of equipment and support from UNMIT police. Several interlocutors have also mentioned to the expert mission that the Timorese population's confidence in the institution has increased in the past months. Moreover, the performance of the national police officers and leadership in relation to the events of 11 February is a tribute to the increased professionalism of the institution.

10. However, the national police continues to face important challenges, both in terms of capacity and integrity, and is not in a position to fully implement its mandated responsibilities. The leadership within the institution requires further assistance and training, including for gender and human rights. Some interlocutors expressed concerns about past political interference in the work of the national police.

11. With a total of 581 (19 per cent) female officers in the service, the national police has a higher proportion of female personnel than in most countries. This current level, however, also represents a sharp decrease in the intake of female personnel, compared to that at the inception of the force in 2002. Several interlocutors have reported to the expert mission that this is due to limited opportunities for career advancement for female officers; out of a total of 24 officers employed at the rank of Inspector, only 1 is a woman. As such, many women have left the service and sought employment elsewhere.

Institutional capacity

12. The investigative and information-gathering and analysis capacities of the institution remain severely limited due to a lack of qualified personnel, training, including in relation to the applicable law, and logistical support. Forensic support is limited and relies primarily on support provided by six national police officers, the assistance from UNMIT and two Cuban pathologists based at the national hospital in Dili. This situation is of particular concern, given the high incidence of gender-

based violence crimes in Timor-Leste. There is also no central database to record levels and patterns of crime, disaggregate statistics by age or gender or to identify potential cases of human trafficking, and the information technology infrastructure is severely limited. There is an existing criminal database managed by the Office of the Prosecutor-General; however, UNMIT and national police personnel cannot easily access the information therein. National statistics on crimes against vulnerable groups, including children, are very limited, and it appears that agencies working in the area of gender-based violence are using different methodologies for collecting their respective data.

13. As a result, the quality of investigative reports submitted to the prosecutorial offices, in particular in respect of gender-based violence cases, is generally weak and seriously impedes the administration of justice. There is also a clear lack of specialized skills within the national police. Similarly, there is no national crime reduction strategy in place and this limits the capacity of the institution to implement its crime prevention mandate. The Marine Unit currently has no operational vessels and there is a need to increase the capabilities and capacity of the Unit to respond to maritime crimes and to enforce maritime laws.

14. Transnational police cooperation through the International Criminal Police Organization (INTERPOL) has not proven to be very effective. The National Central Bureau, the designated focal point for INTERPOL in Timor-Leste and the main communication channel with the organization and other member States for preventing and combating international crime, is located within the Office of the Prosecutor-General. This is unusual to the extent that the Head of the National Central Bureau of a member State of INTERPOL is normally one of the highest-ranking law enforcement officials in the country. According to several interlocutors, this arrangement has severely hampered the capacity of the national police to combat international crime, including trafficking in human beings and drugs by, inter alia, limiting access to the INTERPOL secure police communications network. On a related note, the national police's ability to enforce border surveillance is limited, including by the absence of a maritime capacity.

15. The national police's capacity to control incidents of public disorder through its rapid intervention capacity is also severely hampered by lack of training, personnel and equipment. A total of 190 officers are deployed with the rapid intervention capacity in two locations, with limited operational capacities. Despite these limitations, the rapid intervention capacity performed well in containing acts of violence in Dili in August and September 2007. Acts of civil unrest remain a major threat to security and stability in the country, in particular in urban areas. Nevertheless, the ability overall of the national police to respond to such acts is highly dependent on the presence of UNMIT police and international security forces.

16. From an administrative perspective, the national police has a total budget of $18.2 million for the year 2008. This is a sizeable increase from the previous year's allocation. A financial unit was also recently established and considerable savings were made by preventing the fraudulent use of funds. While these are positive developments, the capital expenses required for the national police, including for the procurement of transport and communication equipment and for the refurbishment of police facilities, clearly exceed the allocation for 2008. Moreover, budgetary projections for the next four years have not taken into consideration the likely

reduction in the presence of UNMIT and the international security forces and the parallel assumption of greater responsibilities by the national police. Overall, the expert mission evaluates that donor support will continue to be required, in particular in respect of major capital expenditures.

17. There have been serious problems in the past with the actual disbursement of funds allocated under the budget. This is due primarily to overly centralized control, in combination with a lack of delegation of financial authority to the national police General Command as well as district and local commands. This has resulted in some negative consequences, including that funds required for operational costs, such as for transport and communication, have not been made available on time. However, important work has been undertaken by the Inspection Cabinet, which has served to curb the previously prevalent misuse of funds.

18. Existing administrative systems, including for personnel, budget, finance, procurement, assets and file management would also require considerable improvement, in particular in respect of their implementation. For example, no criteria seem to have been established for promotions or the staffing levels of the national police or for the attribution of personnel per unit or district. This issue is currently being addressed by the authorities of Timor-Leste with international assistance. Also, systems for the management and maintenance of such assets as vehicles or facilities are not adequately implemented, and this has a negative impact on the performance of the national police.

Institutional integrity

19. There is information that suggests an increase in the population's confidence in the institution in the recent period. However, allegations of corruption and impunity for possible acts of misconduct, including human rights violations, against some national police personnel may undermine the professionalism and integrity of the institution. The Professional Ethics Office, an internal disciplinary mechanism dealing with police misconduct, has throughout its existence been hampered by a lack of resources, inadequate investigative expertise and some instances in the past of political interference. Furthermore, several female officers have stated to the expert mission that reported cases of sexual harassment in the service have not been adequately addressed. This has resulted in lack of accountability for many acts of misconduct committed by national police officers. In 2005, district offices of the Professional Ethics Office were established, improving the flow of investigations; however, conflicts of interest have arisen when those officers have been assigned to investigate their colleagues and superiors. Furthermore, allegations lodged with district offices often have not been referred to the national level, as required.

20. In this regard, the Office of the Provedor for Human Rights and Justice, members of Parliament, non-governmental organizations and UNMIT have reported allegations of cruel, inhuman and degrading treatment or punishment of persons during their arrest, in detention or during interrogation, including in the course of the past year and up to the present time. In some cases, victims have required medical treatment. No cases of torture have been documented. Arrests without warrant, though permitted under certain circumstances, appear to have been unlawful in many instances. In addition, there have been several reports of excessive firearm use by officers of the national police. In December 2007, a national police task force was established in Dili to respond to situations that required more than a

normal patrol response but less than a formed police response. UNMIT has monitored the task force since its inception and has documented a marked increase of allegations of excessive use of force and ill-treatment during arrest, unlawful house searches and abusive and generally intimidating behaviour towards the population.

21. Furthermore, some interlocutors have raised concerns about alleged human rights abuses of national police and F-FDTL members committed during security operations undertaken during the states of exception, and that this undermined the rule of law in the country. UNMIT observed that the number of alleged human rights violations by the national police, in particular the task force, doubled during the first month of the state of siege. While the Government and the armed forces command were responsive when UNMIT raised concerns regarding these incidents, their occurrence emphasizes the need to strengthen institutional policies and procedures regarding the use of force, in line with national and international standards and a need for human rights training.

Cooperation with the Falintil-Forças de Defesa de Timor-Leste

22. Another issue of relevance is the recent establishment on 17 February of a joint command between the national police and F-FDTL, under the direct authority of the Government and without the involvement of UNMIT or the international security forces, for the execution of security operations against a specific armed group following the events of 11 February 2008. This has reportedly created greater trust and mutual confidence between members of these institutions and may have helped to heal some of the differences resulting from the April/May 2006 events. While the arrangements have provisionally blurred lines between the functions and reporting chains of the police and military, the national authorities have recognized their temporary nature and the necessity to revert to regular arrangements following the lifting of the state of siege.

Reconstitution of the national police and handover of responsibilities

23. Various Timorese officials indicated a desire to clarify and accelerate the handover of responsibility and overall authority for policing from UNMIT police to the national police. However, the expert mission is concerned that Government planning, especially budgetary processes, does not seem to take into account the increased responsibilities and the possible drawdown in UNMIT police that would accompany such a handover. A visit to three police posts in Dili, for which the national police have assumed responsibility of operational command, revealed that those posts were inadequately prepared for the transition, including in respect of basic logistical support, raising many questions about possible future larger-scale handovers.

24. Given the time-limited mandate of UNMIT, the Government is actively establishing relationships with bilateral donors who will be able to provide a longer-term commitment. While this is understandable, the expert mission is concerned that there is as of yet no real mechanism to coordinate current assistance and the transition from assistance by the United Nations to bilateral assistance.

C. United Nations Integrated Mission in Timor-Leste police

General observations

25. In paragraph 4 (c) of its resolution 1704 (2006), the Security Council decided that UNMIT police had the primary responsibility to ensure the restoration and maintenance of public security in Timor-Leste through the provision of support to the Timorese national police, which included interim law enforcement and public security until the national police was reconstituted, and to assist with the further training, institutional development and strengthening of the national police as well as the Ministry of the Interior. The Policing Arrangement was adopted in order to facilitate the implementation of the mandate and further provides that the Police Commissioner of UNMIT should be considered as the interim national police General Commander. UNMIT has yet to provide assistance for reforming and strengthening the Secretariat of State for Security (formerly, the Ministry of the Interior) in accordance with the Arrangement. Notwithstanding the temporary nature of the UNMIT mandate, it is assumed that the goal of the UNMIT police presence will have been reached when the national police has been reconstituted and is able to guarantee the internal security of Timor-Leste without substantive security support from the United Nations, including the likelihood that bilateral partners will progressively assume greater responsibility for long-term capacity-building. Clear benchmarks and timelines have yet to be agreed in this regard between the Government of Timor-Leste and the United Nations. Representatives of the Government of Timor-Leste also expressed their concerns about implementation of the Policing Arrangement in the absence of such benchmarks and timelines.

26. As of 27 March 2008, a total of 1,529 United Nations police officers (75 women, including 3 contingent commanders), from 40 police-contributing countries, were deployed in all districts of Timor-Leste. This is out of an authorized strength of 1,608 personnel, including four formed police units. It should also be noted that it took almost one year from the adoption of resolution 1802 (2008) to reach 80 per cent of the authorized strength and that this factor, in conjunction with the need for securing the elections in 2007, had a significant impact on UNMIT police efforts in all areas. Furthermore, the major challenge in the implementation of the mandate concerning UNMIT police lies in the ambitious nature of its work, in particular in view of the fact that it has to fulfil two distinct mandated tasks: interim law enforcement and support for the reform, restructuring and rebuilding of the national police.

Interim law enforcement responsibilities

27. Taking into consideration prevailing circumstances, UNMIT police has generally performed very well in the delivery of its interim law enforcement responsibilities. It played a central role in the security of the electoral process in 2007, and the steady decrease in crime throughout Timor-Leste is due to a large extent to its presence and the actions it undertook to maintain law and order in cooperation with the national police. This was done with support from the international security forces, as required.

28. However, UNMIT police officers are not deployed in most subdistricts and the performance of law enforcement functions in those regions remains an exclusive function of the national police. In general, UNMIT police are not deployed in places

where they would be co-located with national police personnel. Furthermore, the operational effectiveness of UNMIT police, in respect of both interim law enforcement and capacity-building activities, is impeded by the limited availability of qualified translators or interpreters and an often partial understanding of the applicable law and human rights standards, including in relation to juvenile justice. The latter point is of particular importance with regard to criminal procedure legislation since this is a critical issue for the performance of law enforcement functions, including arrest, detention, searches and the conduct of investigations. In addition, there is a critical lack of specialists for the investigation of major crimes, including homicides, gender-based violence crimes, arson, trafficking and corruption. For example, according to UNMIT, only three United Nations police officers with experience in the investigation of murders were deployed to Timor-Leste in March 2008. Several interlocutors, including members of political parties, the Prosecutor-General and representatives of the Church, also mentioned to the expert mission that UNMIT police personnel had a limited understanding of the culture and history of Timor-Leste and that this should be addressed in the induction training.

Support for the reform, restructuring and rebuilding of the national police

General

29. In the application of its mandate and the Policing Arrangement, UNMIT police also have a major responsibility to support the reform, restructuring and rebuilding of the national police. As a first step in the process, in January 2007 UNMIT police completed a detailed assessment of the technical and administrative levels of the national police, including internal accountability mechanisms. This was followed by the preparation of a plan on reform, restructuring and rebuilding, the preliminary draft of which was submitted to Timorese authorities in May 2007. Various drafts of the document, which is to form the basis for building the capacity of the national police, have been exchanged between UNMIT police and Timorese authorities since that date and it has yet to be finalized.

30. Following a review of the document, the expert mission noted that the document did not fully incorporate all the required elements set out in the Policing Arrangement, in particular with regard to: (a) a detailed statement of the aims and objectives to be achieved in the process; (b) a clear allocation of responsibilities between the Government of Timor-Leste, UNMIT and other stakeholders; (c) clear benchmarks and performance targets; and (d) the identification of the human, material, technical and financial implications of the actions required for the implementation of the plan. Consequently, the document cannot be used as a basis for the reform, restructuring and rebuilding of the national police in its current format and will require substantive changes. Furthermore, various national and international interlocutors expressed their concerns about national ownership of the plan since it had not been prepared with the active participation of local stakeholders.

31. From a substantive perspective, one of the major impediments to UNMIT support of the reform, restructuring and rebuilding of the national police is the limited duration of the Mission's mandate, typically for one year, and the requirement for a much longer period of assistance to ensure the sustainability of achievements. Furthermore, the Interim President of Timor-Leste, the Interim

President of the National Parliament, the Secretary of State for Security, the Prosecutor-General and members of the political parties expressed their concerns to the expert mission about the different policing approaches and standards of the UNMIT police-contributing countries. They noted that this created confusion among personnel of the national police to the extent that the training and advice provided might be contradictory since they were often based on differing doctrinal approaches despite UNMIT police efforts to ensure standardization of approaches through development of structured mentoring guidelines and a policing textbook. They emphasized that reform, restructuring and rebuilding activities should be undertaken by police personnel from fewer Member States, assigned for a longer term in the country and based on detailed standard operating procedures endorsed by the United Nations. In addition, there is a lack of qualified UNMIT police personnel at all levels, including specialists for technical advisory services in support of the national police, such as personnel, budget, finance, procurement, file and assets management, and forensic and information technologies.

Training

32. UNMIT police have provided active support for the training of the national police, including through the deployment of 18 specialists to the national police academy. Provisional certification, middle management courses and an executive development programme have been provided. In addition, specialized courses have been given in the areas of civil disorder, riot control, defensive tactics, close security protection and gender-based violence investigation. More than 1,800 national police officers have been trained by UNMIT since the inception of the Mission. However, many challenges remain due to the limited logistics budget and availability of training facilities.

Registration and certification programme

33. As part of the reform, restructuring and rebuilding process outlined in the Policing Arrangement, UNMIT police carried out a registration and certification programme for national police officers. A number of Timorese leaders, including the Prime Minister, the Secretary of State for Security, the national police General Commander Designate, and rank and file national police officers, expressed their concerns to the expert mission regarding the pace of the certification process. The Policing Arrangement outlined a three-stage process: (a) registration of each existing national police officer; (b) provisional certification for six months (renewable); and (c) final certification upon, inter alia, completion of the training, satisfactory performance of duties and proven respect for human rights.

34. A multidisciplinary and joint national/international screening commission was established in 2006, based on resolution No. 3/2006 of the Council of Ministers. The body ceased functioning de facto during 2007 but was revived in January 2008 pursuant to resolution No. 13/2007. It consists of an evaluation team, a technical team and a secretariat team. The leadership of the implementation structure is unclear, but the final decision on certification relies on the Secretary of State for Security, who acts upon the recommendation of the UNMIT Police Commissioner. The certification programme effectively began when the first existing officer was registered in April 2007. The last officer was registered in December of that year, with a total of 3,108 registered. According to the Policing Arrangement, non-registrants should be removed from the police service, but some former national

police officers who had not been registered continued to be employed by the institution. Of the registrants, only 288 were recommended for final certification as of 22 March 2008. The expert mission found that the certification process, which depends on UNMIT police and the authorities of Timor-Leste, was relatively unsystematic, did not have a clear certification strategy that outlined target numbers over a defined period of time and did not prioritize the certification of commanding officers. It also lacked a defined certification policy outlining the certification process as well as detailed certification criteria and decision-making modalities.

35. A total of 271 officers are still pending a decision pertaining to certification by the evaluation panel. The delays in certifying the remainder of national police officers largely result from the challenges faced in the six-month mentoring programme, the successful completion of which is a precondition for final certification. As the current certification process relies on reaching benchmarks without specific timelines, the authorities are concerned about the lack of a specific strategy with clear timelines for the implementation of the programme. Government officials also expressed some reservations about the mentoring process, upon which the certification process relies, in particular the qualifications of UNMIT personnel deployed in such a capacity and the lack of such advisers at the subdistrict level to support the national police. It should also be emphasized that the Policing Arrangement does not refer to a mentoring process and this initiative, as currently designed, may have unnecessarily delayed the certification programme.

Enabling legislation for implementation of the Policing Arrangement

36. In order to facilitate all processes related to the implementation of the mandate of UNMIT police, the Government has made a commitment under the Policing Arrangement to adopt regulations and other issuances, as may be necessary, to facilitate the effective implementation of the Arrangement. In particular, the registration and certification programme requires legal acts in order to be effective in removing unsuitable officers from the national police. With the exception of the above-mentioned resolutions of the Council of Ministers, most enabling legal instruments have yet to be adopted by the Government of Timor-Leste. As a result, this remains an issue of concern since the implementation of the mandate of UNMIT police has effectively taken place in a legal vacuum.

D. Policing and broader rule of law and security sector reform issues

General observations

37. The activities of the national police and UNMIT police must be understood within the broader rule of law and security sector reform contexts. In this regard, in much of the country, in particular at the district level, there remains an absence of adequate physical, human and institutional capacities, including a stark deficit of competent and independent judges, prosecutors, prison officers and public defenders. The lack of a harmonized legal framework continues to cause confusion, in particular regarding such key legislation as the Penal Code, the Law against Domestic Violence, the Law on Witness Protection and Juvenile Justice Legislation. These factors have resulted in impunity at all levels and a backlog of unresolved cases, compounded by poor cooperation between police and prosecutors and by undue interference in the work of the justice and security institutions. The

prosecution of politically sensitive cases, including the remaining Commission of Inquiry cases (see S/2006/580) remains a significant challenge. Furthermore, there is still a need to undertake a comprehensive review of the future role and needs of the security sector, including the national police and F-FDTL, considering the sector's importance for the long-term stability of the country.

Judicial system

38. There are four district courts, in Dili, Baucau, Suai and Oecussi. In June 2007, 27 justice officials (11 judges, 9 prosecutors and 7 public defenders) were sworn in as the nation's first judges, prosecutors and public defenders, ensuring the full-time deployment of officials to the districts. A second group of 12 Timorese judicial personnel graduated from the judicial training centre at the end of 2007. The courts are now staffed with seven international judges and 11 national judges. The prosecution is currently staffed with four international and nine national prosecutors. As a result, at least one judge, one prosecutor and one public defender is available to administer justice in courts outside Dili. UNDP statistical data from the Dili district indicates that national judges are displaying increased confidence and are resolving a greater number of cases. The prosecution service continues to face serious constraints in its human resources.

39. Although progress continues to be made through the support of the United Nations and donor nations, in terms of increasing the capacity of justice officials and strengthening the justice institutions, the current volatile situation demonstrates that there remains a strong need for continued international support for the justice sector. The 2005 national justice policy, together with the 2006 sectoral investment programme on rights, equality and justice and the UNDP programme on strengthening the justice system in Timor-Leste currently form the basis for future planning and programming of interventions in the sector. However, in the light of the breakdown in law and order during the 2006 crisis, the subsequent findings of the Commission of Inquiry, mounting criticisms of justice reform efforts to date and the Government's strategic 2008 National Priorities document, there appears to be a growing demand for a new process of wider consultation and policy dialogue. As a first step, a systematic capacity assessment of the justice sector would be required.

40. In March 2008 the existing Council of Coordination, composed of the Chief Justice, Minister of Justice and Prosecutor-General, was institutionalized by law as an advisory body within the Ministry of Justice. However, there remains a need for a broader rule of law coordination and consultative mechanism. A working-level, nationally led consultative group, supported by UNMIT, which brings together representatives of the justice and law enforcement institutions, the Office of the Provedor, the Office of the Secretary of State for the Promotion of Equality, UNMIT, United Nations agencies, donors and civil society, is required to ensure wider consultation, policy dialogue and coordinated programming.

41. Although incremental progress has been made in the Prosecution Service primarily through support for the training and appointment of national prosecutors and the establishment of the Superior Council of the Public Prosecution, service delivery remains poor and a matter of concern. Alleged past political interference, staff shortages, the weakness of internal support structures, infrastructure and resources, in particular in the districts, continue to hinder the completion of investigations and prosecutions, contributing to a backlog of cases (approximately

4,700, a significant proportion of which relate to gender-based violence crimes) and a growing problem regarding impunity.

42. A key obstacle to the proper functioning of the criminal justice system, identified by the expert mission, is poor coordination between UNMIT police, the national police and the Prosecution Service. There remain serious differences of view over the applicable laws and procedures for investigation. As a consequence, very few offenders are arrested and only a small number of cases come before the courts for trial. Strengthening the working relationship between police and prosecutors to ensure effective investigations and prosecutions therefore requires particular attention. The expert mission learned that UNMIT, in particular the UNMIT justice sector working group, is well aware of the problem and has initiated steps to address the situation.

43. The checks and balances provided by effective and transparent oversight and accountability mechanisms are essential to combat corruption and improper practices among justice officials. The Superior Council of the Magistracy and the Superior Council of the Public Prosecution should be strengthened in order to exert effective disciplinary control of judges and prosecutors in accordance with international standards.

Prison system

44. As the judicial system becomes more efficient, it will place greater demands upon the prison system, with consequent overcrowding, possible human rights breaches, security concerns and an inability to meet the United Nations minimum standards pertaining to detention. As of 27 March 2008, a total of 152 persons have been detained in the prisons of Timor-Leste. This is a very low ratio of 14 prisoners per 100,000 inhabitants (compared to 124.5 for 100,000 for the Oceania region in 2007), which may be symptomatic of problems in the administration of justice.

45. Overall, the Timorese prison system will have a total capacity of approximately 330 beds by the end of December 2008 in two detention facilities (Becora and Gleno), with a total staff of 130 prison personnel. The construction of a new prison in Baucau is being planned. Weak management and staff capacity, underdeveloped organizational structure and services for prison headquarters, insufficient budget allocation and lack of adequate training for prison personnel are therefore of concern. Court escorts, contingency plans and a coordinated intelligence system with the police are non-existent and mostly function on an ad hoc basis. UNMIT police have recently assigned two liaison officers to Becora prison to improve communication, and a direct radio line has been installed at the national operations centre. However, there is no liaison with the national police in operational contingency planning, which is a crucial part of crisis management.

Security sector reform and the military

46. The expert mission is concerned that the lines between policing and defence responsibilities and activities are not yet clearly defined in practice in Timor-Leste, notwithstanding the existence of specific constitutional provisions to this effect. The programme of the IV Constitutional Government considers strengthening the role of the F-FDTL by taking over, or participating in, some of the national police functions, such as border security. Furthermore, the actions taken by the Joint Command during the state of siege has led some Timorese authorities and members

of the general public to favour such a mechanism. This is of concern to members of the international community and local civil society groups.

47. It is also noteworthy that F-FDTL is looking to scale up its strength significantly. For this purpose, and in the absence of an effective donor coordination mechanism, F-FDTL is undertaking direct negotiations with bilateral donors. Coordination at both national and international levels remains an issue of concern.

48. The Office of the Secretary of State for Security is also in the process of drafting the country's first national security policy. This is a most welcome development, which should be fully supported by national stakeholders and donors and which will help to structure the Government's security strategy. In this regard, it should be noted that the comprehensive review of the future role and needs of the security sector, pursuant to paragraph 4 (e) of Security Council resolution 1704 (2006), has yet to formally take place although the expert mission has been advised that the review was already part of the overall process that would lead to the adoption of a national security policy.

III. Observations and recommendations

49. Much progress has been made towards the restoration and maintenance of public security in Timor-Leste since the events of April/May 2006. However, achievements remain fragile, as illustrated by the 11 February 2008 attacks against the President and the Prime Minister. Law enforcement, within the contexts of the broader rule of law and security sector reform and with due respect for human rights, is a cornerstone for stability in the country and should remain a very high priority for the immediate future. Changes in the attitude and behaviour of national police personnel, in addition to the need to upgrade professionalism and training, are central to the process: the Prime Minister mentioned to the mission that the reform envisaged was primarily one of mentalities. In this context, it should be noted that: (a) the building of an independent, professional and impartial police service is a long-term process; (b) national ownership is a central element in this regard; and (c) there is a need for continued international assistance to national police development for the foreseeable future.

50. Taking into consideration the main concerns and issues set out in section II above, and based on wide consultations with national stakeholders and international partners, the expert mission recommends the key actions set out below.

A. United Nations legislative bodies

Security Council

51. The mission recommends to the Security Council to call upon Member States to contribute human and financial resources for the development of the national police, including through UNMIT, based on the reform, restructuring and rebuilding plan, as adopted by the Government of Timor-Leste.

General Assembly

52. The mission recommends to the General Assembly to approve additional civilian professional posts for UNMIT police, as submitted by the Secretary-General as part of the 2009-2010 budget for UNMIT, in particular in such key areas as programme management, legal affairs and such technical advisory services in support of the national police as personnel, budget, finance, procurement, file and assets management and forensic and information technologies. The posts should be submitted to the General Assembly for its consideration, following a detailed and thorough review of requirements, taking into consideration national expertise and international contributions.

B. Authorities of Timor-Leste

53. The mission recommends to the authorities of Timor-Leste:

National police strategic issues

(a) To develop and adopt in 2008 a reform, restructuring and rebuilding plan for the national police, in consultation with UNMIT and other stakeholders, and to submit the document to the Security Council for its information (see, for example, the Haitian national police reform plan set out in S/2006/726) in order, inter alia, to mobilize international support. The document should take into consideration relevant elements in the draft prepared by UNMIT;

(b) To adopt jointly with UNMIT an addendum to the Policing Arrangement, which sets forth detailed actions, benchmarks and timelines to ensure its full implementation in accordance with relevant Security Council resolutions. The addendum should be based on assessments of the national police and take fully into consideration the overarching Government strategies and policies for the national police and the wider security sector, such as the 2008 Government programme, the Government's strategic national priorities for 2008 and the national security policy being developed;

(c) To adopt such issuances as may be necessary to facilitate the effective implementation of the Policing Arrangement, in particular the registration and certification programme, with the assistance, if needed, of UNMIT or other stakeholders;

(d) To continue its existing efforts to establish a mechanism, taking into consideration existing coordination arrangements, to be chaired by the Secretary of State for Security with the assistance of the Police Commissioner of UNMIT, in his capacity as Interim General Commander of the national police, to direct and coordinate all national and international efforts for the reform, restructuring and rebuilding of the national police. The mechanism should be structured so as to ensure the meaningful involvement of relevant State institutions, UNMIT, the wider United Nations system and bilateral donors to identify areas where international assistance is needed and ensure that there is no overlap in efforts. It should take into account overarching Government strategies and policies for the national police and the wider security sector, such as the programme of the IV Constitutional Government and the national security policy being developed;

(e) To take all necessary policy, legal, technical and administrative measures to ensure that the national police is an impartial service, free from political interference, in particular in operational matters. In this regard, legal and administrative measures should be taken to ensure that the national police has an exclusive and independent responsibility for the conduct of police operations, as well as for the maintenance of good conduct, order and discipline within their ranks, without undue external interference;

(f) To ensure a clear separation of internal and external security roles and responsibilities among the national police and F-FDTL and to ensure that there is no overlap or duplication of reform efforts in relation to both institutions;

(g) To engage in a comprehensive public outreach campaign on the reform, restructuring and rebuilding of the national police, including in the districts;

National police capacity

(h) To undertake, by August 2008, a comprehensive assessment of the short-, intermediate- and long-term financial requirements of the national police and incorporate those findings into all planning processes;

(i) To continue its existing efforts to adopt all necessary issuances in order to facilitate the actual disbursement of funds allocated to the national police and delegate greater financial authority to the General Command as well as to district and local commands;

(j) To continue its existing efforts to review the recruitment procedure for the national police, in particular measures to recruit and retain more women candidates, and review the structure and ranking system;

(k) To transfer the National Central Bureau to the national police and to ensure full access of national police personnel to the organization's secure police communications network and their participation in the international and regional meetings of INTERPOL policing experts;

National police integrity

(l) To continue its existing efforts to ensure the completion of the certification programme, and to ensure that national police officers found responsible for acts of serious misconduct are immediately removed from the national police;

(m) To strengthen and expand the capacities of the professional ethics office, as part of overall managerial issues in relation to integrity of personnel, and ensure the accountability of national police officers involved in acts of misconduct. The office should include a proactive operational capacity to detect and deter such acts and reinforce the importance of accountability and of the observance of human rights;

(n) To ensure the strengthening of external oversight of the national police, including for the prompt prosecution of national police officers who have allegedly committed criminal acts and for facilitating complaints from the public;

Policing and broader rule of law and security sector reform issues

(o) To continue its existing efforts for the reform and strengthening of the Secretariat of State for Security (formerly, the Ministry of the Interior), with support from UNMIT, in accordance with its commitment under the Policing Arrangement;

(p) To undertake a systematic capacity assessment of the justice sector, identifying existing gaps, obstacles and needs, and prepare a capacity development strategy to address capacity deficits in close collaboration with UNMIT and donors. The capacity assessment should involve relevant Government ministries and departments, including the national police, and include civil society organizations;

(q) To prioritize and expedite the harmonization of the legal framework, in particular where there are existing gaps, as mentioned above;

(r) To establish a permanent joint prosecutor service and national police/UNMIT police commission in order to develop and endorse a common understanding of procedural and legislative provisions, clarify investigative powers and responsibilities and, in general, foster technical and professional cooperation;

(s) To establish a national crime database with information by location, gender and age of the victim and with details on the offender and the specific offence;

(t) To establish a police prosecutor liaison office to strengthen police/prosecutor cooperation at the operational level, by connecting police in the districts to prosecutor offices to enable prosecutors to advise district police on investigations;

(u) To prioritize the development and finalization of the strategic plan for the reform of the corrections system as part of a broader and reinvigorated justice reform strategy and ensure adequate budget allocations for the reform, maintenance and sustainability of the prison system in order to prevent further deterioration and weakening of the security system and prevent increased risks of prisoner escapes. Effective liaison between the Prison Department and the national police should be established in all operational planning, including through the development of joint contingency plans, periodic contingency meetings and reviews as well as joint contingency exercises.

C. United Nations Secretariat and the United Nations Integrated Mission in Timor-Leste

Department of Peacekeeping Operations

54. The Mission recommends to the Department of Peacekeeping Operations:

(a) To develop detailed standard operating procedures for United Nations police officers involved in advisory activities in peace operations, including UNMIT, as well as a related training module. This should cover all matters pertaining to the provision of advice to national law enforcement officials, based on United Nations criminal justice and human rights norms and standards, as well as good practices for police operations, management and administration;

United Nations Integrated Mission in Timor-Leste

Strategic issues

(b) To actively support, as requested by the Timorese authorities, the Office of the Secretary of State for Security in its efforts to develop a national security policy for Timor-Leste, including the comprehensive review of the future role and needs of the security sector, pursuant to paragraph 10 of Security Council resolution 1802 (2008);

(c) To engage, in close liaison with the Government, in a substantive public outreach campaign on the mandated activities of UNMIT police;

UNMIT police internal arrangements

(d) To expand the existing induction training programme for UNMIT police personnel, taking into consideration the needs identified in this regard in section II above;

(e) To identify lead contingents within UNMIT police to provide technical assistance in specific areas, such as crowd management or administration, in order to ensure a coherence in the training and advisory services provided to the national police;

(f) To assess the current deployment of UNMIT police personnel with a view to ensuring the greatest geographical coverage throughout the territory of Timor-Leste and to ensuring their co-location with national police personnel at all levels;

Support to the national police

(g) To actively engage bilateral and multilateral donors in order to secure funding for projects/programmes aimed at the reform, restructuring and rebuilding of the national police, including building the capacity and capability of the Marine Unit;

(h) To develop, in consultation with the Government, a certification strategy by 1 July 2008 that: (a) outlines the target numbers for final certification of the remaining national police officers in quarterly segments, leading to the closure of the certification process for at least 80 per cent of national police officers by 31 December 2008, based on specific benchmarks and resources to be provided by the Government of Timor-Leste, UNMIT and donors, as appropriate; and (b) prioritizes the certification of commanding officers at headquarters and in the districts and officers performing functions that are crucial to the development of the national police;

(i) To review the existing mentoring process, taking into consideration certification timelines and the need to provide relevant advisory support for the national police at all levels;

(j) To issue a certification policy by 15 July 2008, in consultation with the Government, which outlines the certification process, its decision-making modalities and detailed certification criteria;

(k) To continue its effort in support of training national police personnel with a focus on leadership and managerial positions.

D. United Nations agencies, funds and programmes

55. The mission recommends to the United Nations agencies, funds and programmes to assist UNMIT, within their capacities, in its efforts aimed at the reform, restructuring and rebuilding of the national police. The Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme and the United Nations Office on Drugs and Crime should second specialists to the police component of UNMIT as part of a United Nations integrated approach in support of the development of the national police.

E. Police-contributing countries

56. The mission recommends to police-contributing countries:

(a) To ensure that personnel deployed have the required profile and skill sets, including training or advisory expertise as requested by the Department of Peacekeeping Operations. As an immediate priority, the deployment of specialists in gap areas, as identified in section II above, should be considered;

(b) To authorize an extension of the deployment of essential police personnel beyond the standard one-year period, in order to ensure that the rotation of officers does not effect ongoing training and advisory efforts;

(c) To enhance the deployment of women police officers, including in senior command positions.

F. Bilateral donors

57. The mission recommends to bilateral donors:

(a) To actively engage with the authorities of Timor-Leste and UNMIT to ensure the effective coordination of funding for projects and programmes aimed at the reform, restructuring and rebuilding of the national police;

(b) To provide assistance for the national police including, inter alia, for transport, communication, maritime equipment and other items, as well as for the refurbishment or construction of facilities;

(c) To enhance donor support for capacity-building of the Timor-Leste judicial and prison systems.

G. Civil society

58. The mission recommends to civil society:

(a) To actively monitor and participate in efforts to reform, restructure and rebuild the national police, including the broader policy areas related to the security sector that have an impact on the national police;

(b) To be proactive in representing the views of each organization's respective constituency in areas related to the national police;

(c) To enhance civic education in relation to policing, in particular in respect of the rights and responsibilities of citizens in this regard.

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Third report of the Secretary-General on the United Nations Integrated Office in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1791 (2007), by which the Council extended the mandate of the United Nations Integrated Office in Burundi (BINUB) and requested me to keep it regularly informed of progress in the implementation of the resolution. The report provides an update on major developments in Burundi since my previous report, of 23 November 2007 (S/2007/682), until 7 May.

II. Major developments

2. The overall political, security and humanitarian situation in Burundi deteriorated significantly during the reporting period. Large-scale hostilities resumed in April between the national security forces and Palipehutu-Forces nationales de libération (FNL), while renewed friction between political parties led to another political crisis, paralysing the work of Parliament and the broad-based Government appointed in November 2007. Additional causes for concern during the reporting period included population displacements as a consequence of the hostilities; continued widespread violations of human rights perpetrated by the national security forces; lack of progress on transitional justice; and possible food insecurity.

Peace process

3. Steps towards ending the stalemate in the peace process initially gained momentum early in 2008. The Political Directorate, established by the Facilitator, the South African Minister for Safety and Security, Charles Nqakula, began addressing political questions related to the implementation of the Comprehensive Ceasefire Agreement in January. The Political Directorate comprises my Executive Representative for Burundi; representatives of the Facilitation and the Regional Peace Initiative; the representatives of the African Union and the European Union, and the Ambassadors of South Africa and the United Republic of Tanzania to Burundi. The Government and FNL have also designated representatives to this body. On 15 January, the Facilitator presented the Political Directorate with proposals aimed at resuming the stalled peace process, which included clear timelines for the return of the FNL leadership to Burundi.

4. Under the auspices of the Government of the United Republic of Tanzania, the Facilitator met with the FNL Chairperson, Agathon Rwasa, in Dar es Salaam on 26 January. Following those discussions, Mr. Rwasa reaffirmed the commitment of FNL to the peace process and its readiness to work with the Facilitator. On 5 February, the Facilitator presented his proposals to the President of Uganda, Yoweri Kaguta Museveni, the President of the United Republic of Tanzania, Jakaya Mrisho Kikwete, and the President of South Africa, Thabo Mbeki; after that the Regional Initiative renewed the Facilitator's mandate until December 2008.

5. On 22 and 23 February, the South African Facilitation convened in Cape Town a meeting of regional and international bilateral and multilateral stakeholders to discuss the Burundi peace process. The meeting agreed on a common approach to support the conclusion of the peace process, on the basis of a road map of sequenced steps, entitled the Programme of Action to Take Further the Peace Process in Burundi. A Group of Special Envoys for Burundi was also established to support the work of the Facilitation and the Political Directorate.

6. The Programme of Action, comprising two phases, envisaged the implementation of the Comprehensive Ceasefire Agreement and the conclusion of the peace process by the end of 2008. The first phase entailed the conclusion of the disarmament and demobilization process following the return of FNL to the Joint Verification and Monitoring Mechanism by 1 April 2008, and the return of the FNL leadership to Burundi by 1 May 2008. The second phase envisaged the integration of FNL members into national institutions as well as their socio-economic reintegration at the community level, to be monitored by the Political Directorate.

7. The Programme of Action was endorsed by the Government of Burundi late in February and by FNL on 1 March, following a meeting with the Facilitator and the Political Directorate in Dar es Salaam. Mr. Rwasa thereby agreed to return to Bujumbura by 1 May.

8. On 16 March, the Political Directorate, the FNL leadership and Government representatives met and reaffirmed their commitment to the implementation of the Agreement of Principles of June 2006 and the Comprehensive Ceasefire Agreement of September 2006. Following technical negotiations, an agreement was concluded by FNL and the African Union on 17 March, which outlined the security and logistical arrangements to be provided by the African Union Special Task Force in Burundi to returning FNL members.

9. Despite these positive developments, FNL did not return to the Joint Verification and Monitoring Mechanism on 1 April as stipulated in the Programme of Action. FNL argued that the existing legal framework granting its members provisional immunity was not sufficient and that a new law, to be adopted by Parliament, was required as a precondition for their return. It may be recalled that the National Assembly had adopted a law on provisional immunity for the signatories of the Comprehensive Ceasefire Agreement in November 2006. It was followed by a presidential decree in December 2006, naming FNL as the beneficiary of that law. Public assurances given by the President on 11 March and at meetings with the Political Directorate, to the effect that the law and decree were still valid, did not convince FNL leaders. Following a meeting with the Political Directorate on 1 April, the Facilitator decided to consult with the leaders of the Regional Initiative and seek guidance on how to proceed in view of the decision of FNL not to return to the Joint Verification and Monitoring Mechanism.

10. On 17 April, FNL issued a communiqué stating that it reserved the right to defend itself should the Government attack its positions. Fighting broke out on the same day; FNL reportedly carried out attacks on positions of the Forces de défense nationale in the capital. Heavy machine gun fire and mortars were directed towards Bujumbura throughout the night and following day. The fighting between FNL and the national defence forces has continued to affect Bujumbura Rural, Bubanza, Kayanza and Cibitoke Provinces. During a mortar attack on 22 April, the Vatican Embassy sustained structural damage, but no injuries were reported.

11. Subsequent aerial bombings carried out by the national defence forces reportedly destroyed FNL bases north of Bujumbura and repelled further attacks on the capital. The security situation in Bujumbura and several of the affected provinces remains tense.

12. By 7 May, some 100 FNL combatants and 10 national defence forces soldiers were reportedly killed, with more wounded. Three Burundi national police officers were also reportedly killed. The number of civilian casualties remains unconfirmed but the fighting had led to the displacement of several thousand people by early May.

13. FNL rejected responsibility for the violence, blaming the Government for the attacks and underlining its commitment to the Comprehensive Ceasefire Agreement. On 21 April, FNL called for an end to the Government's military offensive, the provision of food aid to FNL combatants and the resumption of negotiations, which should include representatives of the Economic Community of Central African States.

14. For its part, the Government considered the attacks a deliberate breach of the ceasefire. On 18 April, it issued a communiqué accusing FNL of using the question of provisional immunity as a pretext for thwarting the peace process. The Government called on the international community to take the necessary measures in response to the violation of the Agreement by FNL, while asserting that it remained open to dialogue.

15. National actors and international stakeholders have also expressed serious concern over unconfirmed reports that FNL was receiving support from the Forces démocratiques de libération du Rwanda (FDLR).

16. On 24 April, 25 Members of Parliament addressed a letter to the President of the National Assembly, requesting that a plenary session of Parliament be convened to amend the existing provisional immunity laws in order to explicitly name the armed group. The plenary session was not held.

17. On 25 April, the President, Pierre Nkurunziza, delivered a public address during which he delineated the steps taken by the Government to provide provisional immunity to FNL. The President also assured the Burundians that all measures were being taken to ensure their security.

18. The resumption of hostilities has been unanimously condemned by regional leaders. On 30 April, President Museveni of Uganda and President Kikwete of the United Republic of Tanzania met in Kampala, in their respective capacities as Chair and Vice-Chair of the Regional Peace Initiative, to discuss the situation in Burundi. The Ministers for Foreign Affairs of South Africa, Uganda and the United Republic of Tanzania and the Facilitator met in Arusha on 4 and 5 May with an FNL

delegation led by Agathon Rwasa, to convey decisions taken by Presidents Museveni and Kikwete during their meeting in Kampala. FNL was reportedly advised that it should resume its participation in the work of the Joint Verification and Monitoring Mechanism and the Political Directorate within 10 days. The Ministers also confirmed their understanding that the provisional immunity granted to the group in 2006 remained valid.

19. On 5 May, the FNL spokesperson protested that the Ministers had issued a series of ultimatums, with no space for discussions. The FRODEBU, UPRONA and CNDD (Nyangoma) parties expressed concern that the ultimatums might lead to the possible escalation of the conflict. However, on 6 May, in a letter to the Tanzanian Foreign Minister, FNL indicated its intention to return to the Joint Verification and Monitoring Mechanism and the Political Directorate within the specified time frames. FNL also requested protection from Tanzanian troops as part of the African Union Special Task Force upon their return to Burundi.

Security situation

20. The security situation in Burundi was progressively deteriorating prior to the resumption of large-scale hostilities described above. Increased armed attacks on civilians, targeted attacks against provincial government officials, and a considerable rise in criminal activities throughout the national territory were recorded during that period.

21. Bujumbura was particularly affected by the increased banditry. The significant rise in crime captured national attention and prompted various stakeholders to appeal to the Government to address the situation. The President and the ruling party issued statements in February, attributing the sharp increase in criminal incidents to FNL.

22. On 24 March, President Nkurunziza publicly acknowledged the deteriorating security situation and requested that national security elements involved in crimes and human rights violations be prosecuted. On 10 April, prior to the resumption of major hostilities, the First Vice-President launched a series of workshops with provincial officials on practical ways to improve security.

23. As at 7 May, United Nations personnel and facilities have neither been targeted nor directly affected by the ongoing fighting. However, several United Nations personnel and staff of international non-governmental organizations have been victims of the rising criminality. On 31 December 2007, an international staff member of the non-governmental organization Action contre la Faim was killed in an ambush in Ruyigi Province.

24. A group of individuals claiming to be former national staff of the United Nations Operation in Burundi (ONUB) seeking additional compensation or re-employment began threatening United Nations staff and property. On 26 March, a BINUB vehicle was damaged in an attack by this group. BINUB seized the relevant national authorities of the incident.

25. In view of the deteriorating security situation, the United Nations security phase III was extended to the whole country in January. On 6 May, phase IV entered into effect in Bujumbura Rural and Bubanza in response to sustained armed confrontations between Government forces and FNL in those provinces. A

suspension of United Nations missions to and within Burundi was enforced between 18 April and 1 May.

Political developments

26. The internal political situation witnessed major setbacks during the reporting period. In December 2007, the Parliament adopted the 2008 national budget. However, the National Assembly relapsed into inaction in January with the disagreement over the need to establish a special parliamentary commission on the implementation of the Comprehensive Ceasefire Agreement.

27. The political consensus, which led to the formation of a broad-based Government in November 2007, has faced challenges. In the following weeks, the Front pour la démocratie au Burundi (FRODEBU) repeatedly contested the distribution of responsibilities among the members of the new Government, in particular between ministers and vice-ministers.

28. On 26 January, the ruling Conseil national pour la défense de la démocratie — Forces pour la défense de la démocratie (CNDD-FDD) party held its fourth Congress. The Congress endorsed the exclusion of several party members, including Alice Nzomukunda, the former First Vice-President of the National Assembly, and Denise Sinankwa, the former Minister of Finance. The two were reportedly excluded for not respecting the party line.

29. At the beginning of the parliamentary plenary session in February, CNDD-FDD demanded that Ms. Nzomukunda be removed from the Bureau of the National Assembly since she had been excluded from the party. FRODEBU denounced the lack of consultation and stated that her removal would be a violation of National Assembly rules and regulations. The stance of FRODEBU was backed by other members of the de facto opposition, comprising the Union pour le progrès national (UPRONA), CNDD-Nyangoma and pro-Radjabu CNDD-FDD parliamentarians. On 21 February, FRODEBU decided to suspend its participation in plenary sessions until further discussions were held between its parliamentary group and the President of the National Assembly. On 6 March, the National Assembly elected a member of CNDD-FDD, Irene Inankuyo, as First Vice-President of the National Assembly with the support of some members of the de facto opposition. The FRODEBU and UPRONA parties reacted by suspending their defecting members.

30. I have received an open letter, dated 28 February, from 46 parliamentarians from the FRODEBU, CNDD (Nyangoma) and CNDD-FDD parties. The parliamentarians requested political and security assistance in the light of what they perceived to be credible threats to their lives from alleged militias established by the national security services. Among the signatories to the letter were the recently excluded former First Vice-President of the National Assembly and the former Minister of Finance.

31. On 8 March, simultaneous grenade attacks targeted the residences of four signatories of that letter, including the former First Vice-President of the National Assembly. The attacks caused material damage but no individuals were harmed. The Government condemned the attacks, and announced that four suspects had been detained and that a special commission to investigate the incident had been established. I strongly denounced the attacks, as did many national and international stakeholders. In addition, my Executive Representative in Burundi conveyed my

concerns to the Government, and encouraged it to investigate any credible security threats and ensure the safety and security of all its citizens.

32. On 2 April, the Burundian Supreme Court sentenced the former Chairman of CNDD-FDD, Hussein Radjabu, to 13 years of imprisonment for threatening State security and slandering the Head of State. Two of his co-accused received the same sentence while others were sentenced to 10 years and one was acquitted. Mr. Radjabu's lawyer, who has challenged the independence of the judiciary during the trial, indicated his intention to appeal the Court's ruling.

33. The work of the National Assembly remained paralysed throughout the parliamentary session that concluded on 30 April. Consequently, some 20 laws submitted to the National Assembly during that session were neither discussed nor adopted.

Regional developments

34. During the reporting period, two meetings of the Tripartite Plus Commission were convened, during which the FNL question was discussed. On 5 December 2007, a Tripartite Plus meeting in Addis Ababa condemned the "repeated ceasefire violations by FNL and its stubborn and unjustified refusal to resume its participation in the Joint Verification and Monitoring Mechanism". Participants also agreed on a number of sanctions should the armed group not resume its participation in the Mechanism by 31 December 2007, including a travel ban and freezing of assets. However, the Tripartite Plus meeting on 25 and 26 March in Bujumbura decided to remove FNL from the list of negative forces in the light of its then expected return to the Joint Verification and Monitoring Mechanism on 1 April. During a technical-level meeting between some members of the Tripartite Plus Commission in Bujumbura on 22 April, participants reportedly condemned the resumption of violence and agreed to meet again in Kigali on 20 June.

35. On 3 and 4 March, the Executive Secretariat of the International Conference on the Great Lakes Region held the second meeting of parliamentarians of the Great Lakes region in Bujumbura, during which it was decided to formalize the establishment of a regional forum of parliamentarians before the next Summit in November. From 25 to 28 March, the Executive Secretariat organized in Bujumbura a regional workshop on the integration of gender in the implementation of the Pact on Security, Stability and Development in the Great Lakes Region. In April, the Conference secretariat launched a series of planning workshops in the region to review the Pact's programmes of action and protocols, and to develop road maps for implementation.

III. Activities related to the Peacebuilding Commission

36. The Peacebuilding Commission continued to support the peace consolidation process in Burundi. The Chairman of the Burundi configuration of the Peacebuilding Commission was among the participants in the meeting of Special Envoys held at Cape Town in February, and the Commission on 20 March adopted conclusions and recommendations on the peace process (see PBC/2/BDI/7).

37. On 5 December 2007, the Government and the Commission adopted a Monitoring and Tracking Mechanism (see PBC/2/BDI/4) to facilitate regular

reviews of the Strategic Framework for Peacebuilding in Burundi and for monitoring progress towards achieving the identified peacebuilding benchmarks.

38. In February, the Burundi configuration of the Commission agreed to an annual workplan focusing on fulfilling its engagements, as reflected in the Strategic Framework and in the Monitoring and Tracking Mechanism, and on monitoring the peacebuilding process and providing advice to relevant stakeholders.

39. On 25 January, President Nkurunziza launched the Partners' Coordination Group, the overall framework in which the Government and national and international partners can jointly assess the implementation of the poverty reduction strategy paper and the Strategic Framework. In March, work began on the establishment of the Monitoring and Tracking Mechanism and the first progress report on the implementation of the Strategic Framework is expected by the end of May.

40. As at 7 May, the Joint Steering Committee for Peacebuilding, comprising representatives of the Government, BINUB, civil society and international partners, approved 17 projects totalling $33.795 million out of the $35 million allocated from the Peacebuilding Fund. The projects cover the four priority areas endorsed by the Commission in December 2006. These include five good governance projects, five projects in the area of security sector reform, four projects supporting human rights, justice and transitional justice, and three projects supporting the peaceful resolution of land disputes and community recovery. Several projects were officially launched by President Nkurunziza in January and February.

41. As a result of the resumption of large-scale hostilities, the Peacebuilding Commission postponed a high-level mission to Burundi which was envisaged to take place from 19 to 24 April. This visit is expected to take place in May.

IV. Peace consolidation challenges

Democratic governance

42. Efforts to enhance democratic governance continued during the reporting period, despite the significant deterioration in the political and security situation. BINUB initiated a number of activities to help improve governance, including supporting the promotion of dialogue between national actors, the establishment of an anti-corruption court, reform of the public administration and decentralization.

43. On 18 February, President Nkurunziza and my Executive Representative launched a project funded by the Peacebuilding Fund aimed at gradually integrating a democratic culture into national institutions through dialogue. The first forum of this project was launched two months later, on 17 April. The purpose of the forum was to secure ownership of the project by the main stakeholders, validate the methodology to be used for facilitating dialogue, and establish a high-level national committee for monitoring and evaluation. Over 150 elected officials and representatives of political parties, civil society and the media attended, including four former Burundian presidents.

44. In November and December 2007, the Government recovered some 100 million Burundian francs that had been embezzled by various individuals. A Peacebuilding Fund project was initiated during the reporting period aimed at

supporting the Government's efforts to combat corruption and improve economic governance. Through this project, training was provided to personnel from the national anti-corruption court and "anti-corruption brigade", on public tender procedures, judicial provisions sanctioning corruption, and the misuse of public funds and equipment.

45. BINUB also worked with national authorities to compile and edit the legal framework governing the decentralization process. The objective was to provide local Government officials with easily accessible reference documentation that will increase their efficiency and the delivery of public services to the population.

46. The Joint Steering Committee for Peacebuilding adopted a $3 million Peacebuilding Fund project aimed at improving the quality of public services at the local level. As part of the efforts to support the Government in developing a comprehensive reform plan for public institutions, BINUB undertook a country-wide baseline study on standard procedures, obstacles and delays in the delivery of some of the most common public services. These include civil registration, land ownership acts and national identification papers. Preliminary results show that public administration processes are usually cumbersome. As a result, users have to endure undue delays and expenses, and face difficulties accessing public services.

Media

47. Tensions have flared between the Government and some members of the media following media reports alleging that the Government had established a militia to physically eliminate political opponents. In reaction, President Nkurunziza and the President of CNDD-FDD accused the media of using divisive tactics and reporting unsubstantiated information.

48. BINUB continued activities aimed at building the capacity of the national media, including the provision of training in deontology, investigative journalism and communication techniques.

Security sector reform and disarmament, demobilization and reintegration

49. Comprehensive reform of the security sector, on the basis of a coherent national strategy and plan, is critical for the consolidation of peace and security in Burundi. To date, the United Nations has played an important role in supporting national efforts in security sector reform. However, progress has yet to be made towards the reform of the security sector and much more remains to be done to attain the benchmarks outlined in the Secretary-General's report (S/2006/429/Add.1).

50. In December 2007, the Government reportedly indicated its intention to integrate existing security sector reform plans under one comprehensive security sector reform strategy. In this regard, it is understood that the Government is initiating work on the legal framework for the creation of a national security council as provided for in the Constitution. Once established, it is expected that the National Security Council would be the national entity responsible for the development of the comprehensive security sector reform plan. BINUB will continue to support initiatives aimed at developing and implementing a comprehensive security sector reform plan.

51. BINUB and the Government launched a Peacebuilding Fund project for the rehabilitation of 14 national defence force barracks during the reporting period.

Expected to be completed by November, this project aims at removing national defence force members from heavily populated areas, thereby reducing frictions. Another Peacebuilding Fund project launched during this period will improve the operational capacity of the national police and the national intelligence services by providing equipment and training. BINUB is also providing training to national police officers in police investigations techniques, and is working with the police for the development of internal control and accountability mechanisms.

52. The census of national defence force and police personnel, funded by the World Bank and the Government of the Netherlands respectively, is ongoing. An estimated 25,430 elements have been demobilized since December 2004 as a result of the downsizing exercise conducted through the World Bank Multi-country Demobilization and Reintegration Programme and the national demobilization, reinsertion and reintegration programme. Some 5,000 security personnel remain to be demobilized in order to reach the agreed figures of 25,000 for the national defence forces and 15,000 for the national police by the new target date of December 2008.

53. During the reporting period, some 900 members of the national defence forces, concerned about shortcomings in the reintegration process for former combatants, initially refused compulsory demobilization, thereby delaying the process. BINUB, together with the Multi-country Demobilization and Reintegration Programme and other international stakeholders, is working with the Government on a new reintegration strategy, in particular by creating comprehensive and sustainable economic opportunities at the community level in addition to those currently offered by the Programme. It is expected that this strategy will enable the authorities to continue the downsizing process while providing some tangible assurances to the demobilized combatants in the medium to long term.

54. In the meantime, the African Union Special Task Force has also carried out the registration of 2,740 alleged FNL dissidents. These alleged dissidents are not recognized as signatories to the Comprehensive Ceasefire Agreement and therefore were deemed ineligible for demobilization benefits under the framework of the Agreement. In December 2007, the Government relocated some 1,200 of the alleged FNL dissidents gathered in Cibitoke Province following protests by the local population and parliamentarians from that area. The Government and the African Union Special Task Force continue to provide protection at the alleged dissidents' sites, the latter supplying them with food.

55. The caseload has been referred to the Government, which has written to the Multi-country Demobilization and Reintegration Programme requesting that funding be made available to cover this group of combatants. At the same time, arrangements are in place for the disarmament, demobilization and reintegration of FNL combatants once the process moves forward.

56. Since January, the Facilitation, the African Union, the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration, BINUB and UNICEF have been meeting with representatives of the alleged dissidents to discuss the release of children from the group. On 31 March, a technical coordination committee composed of BINUB, UNICEF and the Multi-country Demobilization and Reintegration Programme was established to work closely with the National Commission to prepare an action plan for the children's separation and reintegration into their families and communities. Consequently, on

25 April, a total of 238 children were successfully separated from adult combatants at the Buramata and Randa sites and transported to the Gitega demobilization centre.

Small arms

57. No progress was achieved during the reporting period towards the implementation of the civilian disarmament programme under the National Technical Commission on Civil Disarmament. The national police carried out arbitrary weapons collections through random house searches in the reporting period. While accurate information on the numbers and locations of weapons collected is not available, there is also no evidence to support initial allegations that the campaign targeted one ethnic group.

58. The destruction of obsolete weapons and mines under Government control has resumed and is making progress. With the assistance of BINUB, the national defence forces successfully disposed of 1,697 rifles and 29 mortars in January. A total of 130 small arms were also destroyed during the celebration on 15 March of the eighth anniversary of the Nairobi Declaration and Protocol.

59. BINUB will provide technical assistance, equipment and training in arms tracing and storage, computer networks and relevant software to the national defence forces to complement a project funded by the United States in support of the Government's efforts to rehabilitate Burundi's military stockpiling infrastructure.

60. By March 2008, 92 per cent of Burundian terrain suspected of having explosive residues had been cleared as a result of the operations of the Burundian Mine Action Coordination Centre. In addition, 664 anti-personnel mines, comprising the entire stock of the national defence forces, were destroyed on 17 March. This brought Burundi into compliance with articles 4 and 5 of the Ottawa Convention against the use, storage, production and transfer of anti-personnel mines.

Human rights

61. The human rights situation in the country remains a source of deep concern. While the numbers of violations committed by the national defence forces remained at the same level, those committed by the police further escalated and new cases of torture and summary executions were attributed to the national intelligence services. A significant number of politically motivated human rights violations and some targeted assassinations were also reported, particularly from January to mid-February.

62. In a welcome development in December 2007, 20 police officers were dismissed by presidential decree, and several defence force staff were prosecuted and sentenced for human rights violations. However, the President's commitment and that of his Government to stem impunity and to punish national security personnel for human rights abuses has, in some cases, yet to be translated into concrete action. There has been no significant progress in bringing to justice those accused of carrying out the Gatumba and Muyinga massacres of 2004 and 2006, respectively. The main suspect in the Muyinga case fled Burundi during the reporting period. A second suspect in the same case, an official of the intelligence services who had been transferred, has since been redeployed back to Muyinga.

63. Sexual violence against women and children remains widespread. A significant increase in the incidence of rape has been recorded since the beginning of 2008. BINUB supported several activities to raise awareness throughout the country, including a 16-day countrywide awareness campaign on violence against women and girls, which was conducted from 25 November to 10 December 2007. BINUB, in collaboration with the United Nations Population Fund (UNFPA) and UNICEF, is also preparing a survey on the fight against sexual violence to facilitate the drafting of a joint subregional strategy, taking into account the social, political, and cultural context of the partner countries.

64. BINUB continued to monitor the human rights situation across the country and met regularly with national and local authorities to follow up on human rights violations. BINUB also conducted numerous awareness-raising and capacity-building activities for representatives of the Government, national security forces, media, civil society and the population. In close collaboration with the Government, BINUB started a one-year sensitization campaign on 10 December 2007 to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights.

65. Since the validation by the relevant national stakeholders of the draft law on the National Independent Human Rights Commission in November 2007, the follow-up technical committee adopted its workplan and budget on 25 February, both prepared with the assistance of BINUB. However, the paralysis in the National Assembly since January has prevented the consideration or adoption of the law for the establishment of the National Independent Human Rights Commission.

Justice sector reform

66. With the support of BINUB, concrete steps forward were taken in the justice reform sector during the reporting period. A key achievement was the validation of the draft law on the reform of the code of criminal procedure during a workshop involving all relevant stakeholders on 13 December 2007. However, the National Assembly's paralysis has thus far prevented the adoption of the law.

67. In February, BINUB and the Government commenced the implementation of a Peacebuilding Fund project for the rehabilitation of the judicial system at the local level, including the construction and renovation of 17 magistrate's courts. This project is expected to be completed by the end of the year. The first phase of a second project on the enforcement of judgements was completed in February with the training of over 520 magistrates, clerks and bailiffs engaged in enforcing judgements and rulings at the provincial level, some of which have been pending since 1994.

68. With a view to tackling overcrowding in prisons, the General Directorate of Penitentiary Affairs, in collaboration with BINUB, carried out a survey from 27 November to 8 December 2007 aimed at cataloguing and analysing judicial and penitentiary files in 11 jails throughout the country. The survey confirmed that convicted inmates made up 30 per cent of the total and pretrial inmates 70 per cent and that this was mainly due to deficiencies in the interactions between prison administration and judicial authorities. On 21 March, BINUB, in collaboration with the General Directorate and the General Prosecutor's Office, organized a workshop with both court magistrates and prison personnel to enhance their coordination and communication.

69. Approximately 500 children cohabit with adults in police detention facilities and prisons owing to Burundi's lack of a juvenile justice system, a contradiction of international human rights standards. The Juvenile Justice Platform, comprising BINUB, UNICEF and national and international non-governmental organizations, is advocating for the adoption of a law for the protection of children. In parallel, BINUB is implementing a pilot project on juvenile justice in three northern provinces. All relevant stakeholders in those provinces have now received training on international standards regarding juvenile justice. A concrete dividend of this project was the release of 21 juveniles from prison by the end of December 2007, following the processing of their cases.

70. BINUB is also assisting in strengthening the capacity of the Burundian Bar Association, including by supporting the establishment of its secretariat, coordinating the planning for a comprehensive legal aid system and launching regular debates among its members on timely legal topics.

Transitional justice

71. No progress was achieved towards the establishment of the transitional justice mechanisms. Since its establishment on 2 November 2007, the Tripartite Steering Committee for National Consultations on Transitional Justice Mechanisms has developed a Peacebuilding Fund project for the financing of national consultations, which was approved by the Joint Steering Committee for Peacebuilding on 13 March. The substantive work of the Tripartite Steering Committee was however limited, affected by several difficulties, mainly as a result of internal contradictions among some of its members. Civil society groups appear divided over the methodology for the national consultations on transitional justice mechanisms and have expressed concerns with their representatives in the Committee.

72. Moreover, the office of the President has recently initiated steps to take a disproportionate leading role in the Tripartite Steering Committee, which is perceived as inconsistent with the letter and spirit of the Framework Agreement governing its operation. As a consequence, the national consultation process, initially slated to start in April and end in July 2009, has now been delayed. Meanwhile, BINUB continued activities to sensitize civil society and religious leaders throughout the country on transitional justice issues and the national consultations.

Child protection

73. The overall situation with regard to child protection has improved during the reporting period. Grave violations of children's rights however, continue to be reported, as well as many cases of sexual violence. BINUB and UNICEF continue to carry out capacity-building, as well as monitoring activities through the country monitoring and reporting task force, which comprises BINUB, United Nations agencies, and national and international non-governmental organizations.

74. The Government has adopted a national action plan to assist the 800,000 orphans and vulnerable children in Burundi. UNICEF, through its partners, is providing financial and technical assistance to some of the activities. Moreover, UNICEF, among others, is providing assistance to street children, aimed at family reunification as well as facilitating the socio-economic reintegration of children into their families.

75. More than 200 Burundian children expelled from the United Republic of Tanzania received protection, psychosocial support, material and medical assistance in the framework of an agreement between BINUB, the World Health Organization, the Office of the United Nations High Commissioner for Refugees (UNHCR), UNICEF and the Government of Burundi.

Gender

76. In accordance with resolution 1325 (2000), BINUB continued its monitoring and training activities on women's protection, rights and specific needs, as well as in the promotion of women's participation in peacebuilding activities in Burundi. In January, the BINUB gender thematic group, comprising the gender focal points of all United Nations agencies, drafted an action plan to ensure the mainstreaming of gender into Burundi's peacebuilding agenda. Gender mainstreaming and the strengthening of the women's component were also reinforced in all Peacebuilding Fund projects. BINUB also works closely with local women groups, including the Women-for-Peace Network.

77. BINUB also continued to support Government activities for the promotion of gender equality and the fight against gender-based violence. A recently launched Peacebuilding Fund project on strengthening the role of women in reconciliation and community recovery is working to establish a specialized police unit to deal with gender-based violence and the protection of children. To this end, three sensitization seminars for 50 senior national police officers and 80 police station chiefs were conducted in March.

Humanitarian situation

78. In addition to the displacements caused by the resumption of large-scale hostilities, Burundi continues to suffer from structural poverty and stagnating development standards. Possible food insecurity is also a concern. Climatic factors and the lack of seeds continue to affect harvests, a problem that is further compounded by the significant increase in prices for basic commodities and seeds. On 17 March, the World Food Programme (WFP) launched an appeal for $6 million to address the needs of some 90,000 Burundian refugees, mostly women and children, returning from the United Republic of Tanzania. WFP anticipates major shortages in supplies of all its regular food commodities in the second half of 2008.

79. Some progress has been achieved in refugee returns and community recovery. UNHCR launched an additional appeal for $34,292,586 to assist 218,000 Burundian refugees living in three designated old settlements in the western United Republic of Tanzania, namely Ulyankulu, Katumba and Mishamo. Assistance to those refugees, who had fled Burundi in 1972, will be provided through the voluntary repatriation to Burundi of the up to 46,000 people who have expressed the wish to return, and naturalization and full social and economic integration of the 172,000 persons who want to remain in the United Republic of Tanzania. The first convoy of 262 refugees from the settlements arrived in Burundi on 10 March.

80. In February, the Burundian Minister of National Solidarity, the Tanzanian Minister for Home Affairs and UNHCR representatives for Burundi and the United Republic of Tanzania undertook a joint mission to the refugee camps and old settlements in the United Republic of Tanzania. The Tanzanian Minister confirmed that his Government intended to close the Lukole and Nduta refugee camps and

maintain only the third camp, Mtabila, beyond June. Since November 2007, a total of 13,847 Burundian refugees have returned, 7,004 of them in 2008. Increasing numbers of refugees from Lukole are returning in anticipation of the camp's closure in June. As a result, the number of returnees has significantly increased compared to the same period in 2007.

81. In February, the European Commission Humanitarian Aid Office (ECHO) approved €26 million to assist the operations of the United Nations and international non-governmental organizations in the United Republic of Tanzania and Burundi aimed at reintegrating Burundian and Congolese refugees into their communities or resettling within the United Republic of Tanzania. The funds will provide humanitarian assistance towards the repatriation and reintegration of Burundian refugees and expelled persons from the United Republic of Tanzania.

Economic situation

82. The 2008 national budget, amounting to US$ 433 million, was adopted in Parliament in December 2007. This represents a 12.6 per cent increase over the 2007 budget, with a deficit of $32.7 million, as compared to a deficit of $14.7 million in the previous budget.

83. The real growth in GDP in 2007 is estimated to have slowed down to 3.6 per cent and did not reach the 5.5 per cent forecast for that year. This resulted to some extent from a decline in coffee production due to drought. For 2008, the International Monetary Fund (IMF) has forecast a 6 per cent economic growth and a single-digit inflation rate. In January, IMF completed its sixth and final review under the Poverty Reduction and Growth Facility arrangement. The completion of the review makes possible the disbursement of $11.4 million, which is the total amount envisaged under the arrangement.

84. During the reporting period, a significant increase in food and fuel prices contributed to rising living costs and inflationary pressure. The implementation of the 34 per cent salary increase for civil servants announced by the Government in January, following trade union strikes in November and December 2007, was largely offset by the price increases. The impact of rising global food prices is expected to further exacerbate the situation in Burundi. In an environment where alternative employment opportunities are scarce, 90 per cent of the population depend exclusively on subsistence farming, which does not fully sustain them. Almost half of the population needs to supplement food from the market and half of the population have an inadequate food intake.

V. Observations

85. The recent rapid relapse into violent conflict is alarming evidence of the extreme fragility of the situation in Burundi. The ongoing armed clashes between Government forces and FNL combatants are strongly condemned. Nothing justifies the loss of innocent lives resulting from this fighting. Unless the implementation of the Comprehensive Ceasefire Agreement is put back on track, the new cycle of violence could undo all the gains painstakingly made by the people of Burundi since the signing of the Arusha Agreement eight years ago. The resumed fighting and the ongoing political instability in Burundi are also raising credible serious concerns among national and international stakeholders about possible spillover into

neighbouring countries. Cross-border activity on the part of armed groups has implications for the whole Great Lakes region.

86. The Government and the FNL leadership share the primary responsibility, and the opportunity, to finally put an end to more than a decade of violent conflict in Burundi. I call on both parties to immediately cease hostilities and to begin dialogue as a first step towards the resumption of the peace process. In accordance with the commitments it made to the Regional Initiative leaders on 6 May, FNL must not only return to Burundi, as it has stated, but effectively participate in the work of the Joint Verification and Monitoring Mechanism and the Political Directorate without preconditions. The Government is urged to give the implementation of the Comprehensive Ceasefire Agreement the priority it deserves and to spare no effort to reach mutually acceptable solutions on the issues that have hindered its implementation. Both parties are strongly encouraged to strictly adhere to the provisions of the Programme of Action which they had both endorsed.

87. The international community has been deeply engaged in supporting Burundi's efforts towards peace through a variety of mutually reinforcing mechanisms. This active engagement remains essential. The Regional Peace Initiative and the South African Facilitation are the guarantors of the Burundi peace process. I appreciate and fully support their efforts. The personal involvement of President Museveni and President Kikwete, as Chair and Vice-Chair respectively of the Regional Peace Initiative, remains essential in helping the parties to overcome major obstacles and taking the peace process further. I commend the initiatives emerging from their meeting in Kampala on 30 April and urge them to remain closely engaged.

88. The Political Directorate also has a critical role to play in helping to address the political and socio-economic dimensions of the implementation of the Programme of Action. It should be strengthened and its modalities of work reviewed to ensure constant engagement with and between the parties. The establishment last February of the Group of Special Envoys for Burundi was a welcome development, to ensure a coherent common international approach in accompanying the peace process, and to advise and support the Facilitation and the Political Directorate.

89. In the event of further delays in the implementation of the Programme of Action, the Security Council should consider additional measures to be taken in close consultation with the Regional Peace Initiative, the African Union, and other regional mechanisms. As a precautionary measure, and in accordance with paragraph 4 of resolution 1719 (2006), I have requested BINUB and the United Nations Organization Mission in the Democratic Republic of the Congo to undertake contingency planning should the situation in Burundi deteriorate further. I intend to revert to the Security Council with specific recommendations in this regard if developments on the ground so require.

90. Successful national elections in 2005, the signing of the Comprehensive Ceasefire Agreement with FNL and the withdrawal of ONUB in 2006 at the Government's request may have created the impression that Burundi was well on the path to normalcy. However, and as I have indicated in all my previous reports, the situation is still very fragile and the peace consolidation challenges facing the country are enormous. Major governance, security, reconstruction and socio-economic challenges remain to be addressed. A failure by political actors to overcome partisan interests has resulted in political deadlock and inertia, paralysing Parliament and other key institutions.

91. The broad-based Government established last November has not created the expected positive political momentum needed to push forward the governance reform agenda and bring about recovery and development in Burundi. The recurrent internal political crises have significantly diminished the outputs of both the executive and legislative branches over the past year. All political parties represented in Parliament are reminded in this regard of their obligations to those who have elected them, and to the country as a whole. A new, urgent effort on the part of Burundi's political leaders is needed to engage in genuine dialogue to overcome their differences and focus on the much-delayed legislative agenda.

92. Threats and acts of intimidation against political actors are reprehensible under any circumstances. In this regard, the Government's stated commitment to protect all Burundian citizens regardless of their political affiliation is welcome and must be implemented in a credible and equitable manner.

93. I remain deeply concerned by repeated and widespread human rights abuses committed by elements of the national security services. President Nkurunziza's recent commitment to bring to justice all uniformed personnel involved in such abuses is encouraging. I also welcome the authorities' renewed commitment to fight impunity and urge the Government to translate these commitments into further concrete actions. As a first step, it should make public the report on the Gatumba massacre and step up efforts to bring to justice those accused in the Muyinga massacre. Ending impunity for those guilty of sexual violence and other egregious human rights violations against women and children deserves the highest priority. At the same time, I would like to commend the Government and its partners for the successful separation of 238 children from alleged FNL dissident sites. I encourage the continued efforts to ensure the release of all affected children who may be associated with armed groups.

94. The Peacebuilding Commission's engagement in Burundi provides valuable support to efforts at promoting stability in Burundi. The Monitoring and Tracking Mechanism adopted in December marked another step towards strengthening the relationship between Burundi and the Commission. I urge the Commission to maintain its constructive engagement with Burundi and help energize the international community to provide the necessary resources for critical gaps faced.

95. In addition to implementing the Comprehensive Ceasefire Agreement and overcoming the current political impasse, other causes and potential triggers of insecurity in Burundi need to be urgently addressed. Although the disarmament and demobilization of former combatants has progressed, reintegration efforts remain insufficient. In an environment characterized by abject poverty, high unemployment, and sharply rising fuel and food prices, former combatants are likely to turn to violent crime or join armed elements. I am especially concerned by the potentially destabilizing effect on Burundi of the international food crisis. I urge the Government and its international partners to speed up efforts aimed at putting into place preventive strategies to mitigate the effects of this global crisis.

96. The difficulties faced within the Tripartite Steering Committee for National Consultations on Transitional Justice Mechanisms, particularly the Burundian members' non-compliance with the framework agreement governing its work, is also a cause for major concern. Corrective actions are needed to permit the Committee to credibly implement its mandate. I intend to revert shortly to the Security Council with a separate report on the implementation of resolution 1606

(2005), including recommendations in the light of developments on the United Nations future role in support of transitional justice in Burundi.

97. Since November 2007, BINUB has been playing an active political and technical role within the framework of the Political Directorate in support of the peace process. As indicated in the present report, BINUB has also embarked in earnest on the implementation of Peacebuilding Fund projects. It is my hope that these projects will in time provide the needed peace dividends and thus mitigate some of the negative impact of the serious setbacks and the lingering deficits outlined above.

98. Progress towards achieving the benchmarks outlined in the Secretary-General's report (S/2006/429/Add.1) continues to be hindered, largely as a result of the significant deterioration in the political and security situation. The role of BINUB in support of efforts to create an environment conducive to durable peace and sustainable development therefore remains critical.

99. I would like to express my sincere gratitude to all BINUB personnel, who, under the leadership of my Executive Representative for Burundi, Youssef Mahmoud, have continued to work tirelessly for the cause of peace in Burundi, often under very difficult circumstances. My appreciation also goes to all United Nations personnel, non-governmental organizations, and bilateral and multilateral partners, for their steadfast commitment and generous contributions to Burundi.

United Nations S/2008/331

Security Council

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16 May 2008
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Letter dated 16 May 2008 from the Secretary-General to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the attached report on the international security presence in Kosovo covering the period from 1 to 29 February 2008 (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Ban Ki-moon

08-34522 (E) 210508

Annex

Monthly report to the United Nations on the operations of the Kosovo Force

1. This report covers the period from 1 to 29 February 2008.

2. As at 29 February 2008, the total number of troops in theatre was 15,972. This includes 2,349 troops from non-NATO countries.

Political situation

3. The Parliament in Pristina approved a Declaration of Independence on 17 February 2008.

4. Pieter Feith was appointed as the European Union Special Representative in Kosovo on 4 February 2008.

Security situation

5. On 10 February, a demonstration was organized by the Movement for Self-Determination in Pristina with approximately 60 activists. No incidents were reported.

6. On 11 February, the Kosovo Force (KFOR) reported an explosion in Gnjilane. The most likely cause of the explosion is that a hand grenade was thrown at a Kosovo Albanian house. No casualties were reported. The Kosovo Police Service (KPS) is investigating the incident.

7. On 17 February, when Kosovo declared independence, a hand grenade exploded near an international community building in northern Mitrovica, resulting in minor material damage. High-level Serbian officials visited several Kosovo Serb majority cities and towns, some of them explicitly condoning violence. No incidents were reported. An estimated 600 to 800 Serbs gathered at Gate 3 on the Administrative Boundary Line in Multinational Task Force Centre in an attempt to enter Kosovo. Serb police turned them back without incident.

8. On 18 February, a hand grenade exploded in Multinational Task Force North close to a civil court in Zubin Potok, damaging two United Nations vehicles. Another hand grenade exploded in Mitrovica, causing no damage. Approximately 10,000 Kosovo Serbs gathered in Mitrovica to protest against independence. Kosovo Serbs also gathered to protest against independence in Gracanica, Strepce, Urosevac and Gnjilane.

9. On 19 February, Kosovo Serbs gathered and attacked Gates 1 and 31 at Brnjak and Jarinje, setting buildings on fire. No attacks on KFOR were reported. Approximately 5,000 students demonstrated in northern Mitrovica without incident.

10. On 21 February, a hand grenade exploded close to the courthouse/detention centre in Mitrovica. No casualties were reported. In Belgrade, about 150,000 demonstrated against Kosovo's declaration of independence. Looters broke into the United States embassy and set fire to an office. One protester was killed, later identified as a Serb protestor. Other embassies in Belgrade were vandalized, including the Croatian, Turkish, German and United Kingdom embassies. However,

the majority of the protesters in Belgrade remained peaceful during the government-organized demonstrations.

11. On 22 February, approximately 400 Serbs attempted to pass through Gate 1 into Kosovo. UNMIK police and KPS prevented them from entering.

12. On 23 February, shots were fired next to the courthouse in Mitrovica. Unknown persons fired gunshots at a Kosovo Albanian house in Gornji Streoc. A KPS vehicle was burned in Stepce. No injuries were reported. Several containers were placed by Kosovo Serbs along the routes from Mitrovica to Gates 1 and 31. The Commander of KFOR ordered their removal, which was completed by 24 February.

13. On 27 February, approximately 200 Kosovo Serbs gathered in Zvecan and tried to block one main supply route from Mitrovica to Gate 1 to prevent an UNMIK police convoy from passing. An unknown number of people burned tyres next to the supply route in Socania. A shooting incident occurred between two Kosovo Albanian criminal groups in Prizren, accidentally wounding one Turkish KFOR soldier.

14. Protest gatherings were held without incident in Mitrovica at 12.44 p.m. every day at Austerlitz main bridge, the courthouse and the university, and in Kosovo Serb enclaves (mainly Cracanica, Gnjilane and Strepce). The number of participants decreased from about 10,000 on 18 February to about 1,500 between 23 and 29 February.

Violence and threats against KFOR

15. During February, three incidents against KFOR were recorded but they did not involve a direct attack. The threat level against KFOR remains low while it is assessed as medium against UNMIK and the European Union.

Organized crime and weapons

16. A total of 381 incidents related to drugs (28), counterfeit currency or documents (33), smuggling (34), explosions (10), miscellaneous criminal incidents (114), illegal weapons possession (84), weapons and ammunition seizures (15) and unexploded ordnance (63) were reported during this period. The total number of incidents has decreased significantly compared to January 2008 (487).

KFOR operations

17. KFOR continued to conduct the high visibility, high profile Operation "Red Knight II" throughout Kosovo. Following incidents at several border crossing points (Gates 1, 31 and 3), KFOR launched Operations "Cold winter" and "Spring thaw", aimed at supporting UNMIK police with a minimum of one crowd and riot control platoon at each gate. Permanent vehicle checkpoints were also established on the routes from Mitrovica to the northern gates, primarily to prevent radical elements travelling from Serbia to northern Mitrovica.

18. On 22 February, KFOR supported UNMIK police in stopping several buses entering Kosovo at Gates 1 and 31, with passengers supposed to attend the daily demonstrations in northern Mitrovica. The Commander of KFOR committed the Kosovo Tactical Manoeuvre battalion to northern Mitrovica. The Multinational

Specialized Unit remained ready for public order and police duties on 30 minutes' notice to move. The Commander of KFOR also decided to reinforce Multinational Task Forces Centre and East with two manoeuvre companies each, provided by Multinational Task Forces South and West respectively. A reserve Czech company has been redeployed to reinforce Multinational Task Force Centre since 15 February. Italy decided to extend its level 3 operational reserve force battalion until 18 March. Following the operational assessment of the KFOR Commander, the readiness status of the United Kingdom and German operational reserve force battalions and of the French Strategic Reserve Force was reduced on 18 February and subsequently returned to normal status.

Compliance

19. During the month of February, there was one session of the Disciplinary Board which resulted in the dismissal of eight members of the Kosovo Protection Corps. Seven of these were from minority communities.

Kosovo Protection Corps

20. There was no recruitment campaign during February 2008.

21. On the composition of the Kosovo Protection Corps, the current active personnel establishment is 2,893. There are 190 (6.63 per cent) active ethnic minority members (166 male, 24 female) and still 113 open posts left in the active personnel establishment list. The reserve list includes 2,000 positions, 1,892 of them filled; the number of ethnic minorities is 48 (2.45 per cent).

22. A new revised training order in support of the Kosovo Protection Corps was released on 12 February, aimed at maintaining its capability as a civil emergency readiness organization until it can be disbanded. In the coming months, the focus will be to prepare the Corps for the Kosovo-wide exercise scheduled in mid-May and to make sure the Corps is ready to assist civilian populations in case of crisis. Special emphasis will be placed on preventive measures and training for dealing with wild fires.

23. During the month of February, there were three ceremonies involving 88 members of the Kosovo Protection Corps. No incidents were reported.

Conclusion

24. The situation in Kosovo, particularly in the north, has been tense since Kosovo declared its independence on 17 February, requiring KFOR to intervene at the request of UNMIK to restore and maintain safety and security on the ground. KFOR will continue to respond to any attempts to disrupt the safe and secure environment, regardless of where they come from.

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Letter dated 15 May 2008 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council

With reference to the letter dated 11 May 2008 from the Permanent Representative of the Sudan (S/2008/325), I should like to stress once again that Chad was in no way implicated in the attack on Omdurman on 10 May by the Justice and Equality Movement (JEM) which, as all are aware, is a movement in Darfur struggling against the Government. The epicentre of the problem is therefore in Darfur, with repercussions spreading out to Chad and the subregion, bringing in its wake a massive presence of refugees and displaced persons, as well as insecurity and destabilization. In reality, Chad is a victim (see all our previous correspondence addressed to the Security Council from December 2005 to the present).

To further demonstrate our status as victim, I should like to convey to you in extenso the text issued today by the authorities of my country, following the virulent media campaign launched by the Sudanese authorities and media in Khartoum:

> Over the past five years, El Bashir has put together more than 20 groupings of mercenaries in his pay. The mission of these mercenaries is to destroy the Chadian nation, now being built under the leadership of President Idriss Deby Itno, and to bring mourning to Chadian families. The vehicles, weapons, documents and other war materiel seized in various conflicts carry Sudanese markings.
>
> Whether these mercenary groups call themselves RDF, FUC, UFDD, RFC, UFDD-F, UDC or anything else, they are all one and the same. They are recruited, trained, led and maintained by the Khartoum regime using petro-dinars. Their orders are given by the Sudanese special services. On 19 and 20 March, it was the Sudanese director of special intelligence services, Salah Gosh himself, who ordered Mahamat Nouri to attack the positions of the Chadian defence and security forces.
>
> A high-ranking Sudanese security officer, responsible for providing the mercenaries and the Janjaweed with cash, crossed the border a few weeks ago to express his dissatisfaction; nearly 2 billion FCFA were found in his suitcase.
>
> Last week, another Sudanese officer in possession of Chadian identity documents was apprehended by law-enforcement officials at Adré, after spying for his country for two months.

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All this evidence directly implicates the Sudanese authorities in the destabilization of Chad. There is no further doubt that the aggressor is the Sudan.

Moreover, not satisfied with the damage it has caused to Chad since December 2005, the Government of the Sudan has gone so far as to ransack the offices of the Chadian Embassy in Khartoum, in flagrant violation of international law and the principles of diplomacy regarding the inviolability of diplomatic missions and their staff. Such misconduct must be denounced and unequivocally condemned.

The attempt to support these accusations by the use of passages from a report of the Secretary-General of the United Nations (see ninth paragraph of the letter from the representative of the Sudan) amounts to a complete obfuscation, to which we had already responded by referring to Article 51 of the Charter of the United Nations authorizing any sovereign State to engage in legitimate self-defence.

In any case, the litany of false accusations against Chad by its neighbour is without foundation. Chad has committed no aggression, nor will it commit aggression, notwithstanding all the threats made by the Sudanese side. It remains committed to the path of dialogue, within the framework of the contact group on the comprehensive implementation of the Dakar Agreement, with the objective of lasting peace and security on its borders with all its neighbours, including the Sudan.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Mahamat Ali **Adoum**
Ambassador
Permanent Representative

United Nations A/62/844–S/2008/333

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Security Council

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20 May 2008
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General Assembly
Sixty-second session
Agenda item 17
The situation in the Middle East

Security Council
Sixty-third year

Identical letters dated 19 May 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On the instructions of my Government, I transmit to you herewith a statistical summary of Israeli violations from 1 to 14 May 2008 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-second session of the General Assembly, under agenda item 17, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

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Annex to the identical letters dated 19 May 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Subject: Israeli violations, acts of aggression and other activities from 1 to 14 May 2008

Air violations

On 1 May 2008, between 1103 hours and 1225 hours, two enemy Israeli military aircraft violated Lebanese airspace over Yarun in a northerly direction as far as Shikka and circled between Shikka and the South. They departed over Rumaysh.

On 2 May 2008, between 2300 hours and 2400 hours, an enemy Israeli reconnaissance aircraft overflew the Kafr Shuba area.

On 3 May 2008, between 1100 hours and 1135 hours, two enemy Israeli military aircraft violated Lebanese airspace over Rumaysh in an easterly direction as far as Yarun and circled over Rumaysh and Yarun. They departed over Yarun.

On 4 May 2008, between 1030 hours and 1110 hours, four enemy Israeli military aircraft violated Lebanese airspace over Dayr Mimas in a northerly direction as far as Tripoli and circled over all Lebanese regions. They departed over `Alma al-Sha`b.

Between 2045 hours and 2115 hours, enemy Israeli military aircraft overflew the Bint Jubayl area at high altitude.

On 5 May 2008, between 0700 hours and 0815 hours, an enemy Israeli reconnaissance aircraft overflew Jabal al-Rayhan.

Between 0855 hours and 1015 hours, an enemy Israeli reconnaissance aircraft overflew the Bint Jubayl and Tibnin areas.

Between 1220 hours and 1320 hours, an enemy Israeli reconnaissance aircraft overflew Jabal al-Rayhan.

Between 1915 hours and 2015 hours, enemy Israeli military aircraft and a reconnaissance aircraft overflew the Naqurah area at high altitude.

Between 2315 hours and 2345 hours, an enemy Israeli reconnaissance aircraft overflew the Naqurah area.

On 6 May 2008, between 0825 hours and 0835 hours, an enemy Israeli reconnaissance aircraft overflew the Naqurah area.

Between 1005 hours and 1115 hours, two enemy Israeli military aircraft violated Lebanese airspace over Dayr Mimas in a northerly direction as far as Shikka and circled over all Lebanese regions. They departed over `Alma al-Sha`b.

On 8 May 2008, between 0700 hours and 0720 hours, enemy Israeli military aircraft overflew the Bint Jubayl and Tibnin areas at varying altitudes.

Between 0530 hours and 1050 hours, an enemy Israeli reconnaissance aircraft overflew the Bint Jubayl and Tibnin areas.

On 10 May 2008, between 1105 hours and 1140 hours, two enemy Israeli military aircraft violated Lebanese airspace over Dayr Mimas in a northerly direction as far as Tripoli and circled over all Lebanese regions. They departed over the sea off Tripoli in the direction of Turkey.

Between 1155 hours and 1215 hours, two enemy Israeli military aircraft violated Lebanese airspace over the sea off Jubayl in an easterly direction as far as al-Harmal, circled between the Bekaa and the North, and then headed south as far as al-Naqurah. They departed over al-Naqurah.

Between 1915 hours and 1940 hours enemy Israeli military aircraft overflew the sea off Ras al-Naqurah and Tyre at high altitude.

On 11 May 2008, between 1035 hours and 1045 hours, two enemy Israeli military aircraft violated Lebanese airspace over `Alma al-Sha`b as far as Shikka. They departed over the sea off Shikka in the direction of Turkey.

Between 1105 hours and 1200 hours, two enemy Israeli military aircraft violated Lebanese airspace over `Alma al-Sha`b and circled over al-Damur and the southern regions. They departed over the sea off al-Naqurah.

Between 1210 hours and 1245 hours, two enemy Israeli military aircraft violated Lebanese airspace over `Alma al-Sha`b and circled over Beirut and the southern regions. They departed over the sea off al-Naqurah.

Between 1310 hours and 1400 hours, an enemy Israeli reconnaissance aircraft overflew the Naqurah area.

Between 1615 hours and 1700 hours, enemy Israeli military aircraft overflew the Bint Jubayl and Tibnin areas at varying altitudes.

Between 1730 hours and 2000 hours, an enemy Israeli reconnaissance aircraft overflew the Bint Jubayl and Tibnin areas.

Between 1940 hours and 1950 hours, enemy Israeli military aircraft overflew the Naqurah area.

Between 2100 hours and 2145 hours, an enemy Israeli reconnaissance aircraft overflew Tayr Harfa and Shama`.

Between 2330 hours and 2400 hours, an enemy Israeli reconnaissance aircraft overflew the Tyre area.

On 12 May 2008 between 0840 hours and 1100 hours, enemy Israeli military aircraft overflew the Naqurah and Bint Jubayl areas at varying altitudes.

Between 0940 hours and 0950 hours, an enemy Israeli reconnaissance aircraft overflew al-Naqurah at high altitude.

Between 1455 hours and 1610 hours, an enemy Israeli reconnaissance aircraft overflew the Tibnin and Bint Jubayl areas at high altitude.

Between 1915 hours and 2100 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre and circled over Tyre and east of Tyre. It departed over al-Naqurah.

Between 1745 hours and 2135 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre in an easterly direction as far as

west of al-Damur and circled over the sea off al-Damur, over Iqlim al-Kharub and over Sidon. It departed over al-Naqurah.

Between 1815 hours and 2135 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off al-Damur in an easterly direction and circled over the sea off al-Damur, and then over Iqlim al-Kharub. It departed over al-Naqurah.

On 13 May 2008, at 0935 hours, two enemy Israeli military aircraft violated Lebanese airspace over Kafr Kila in a northerly direction and circled over all Lebanese regions. They departed over `Alma al-Sha`b.

Between 1045 hours and 1340 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre in an easterly direction and circled over the South region between sea and land. It departed over the sea off Ras al-Naqurah.

On 14 May 2008, between 0700 hours and 0745 hours, an enemy Israeli reconnaissance aircraft overflew Jabal al-Rayhan.

Between 0900 hours and 1400 hours, enemy Israeli military aircraft overflew the Bint Jubayl and Tibnin areas and Lebanese territorial waters off al-Naqurah intermittently.

Between 1540 hours and 1630 hours, enemy Israeli military aircraft overflew the Tibnin and Bint Jubayl areas at moderately high altitude.

Between 1850 hours and 2325 hours, an enemy Israeli reconnaissance aircraft overflew Bint Jubayl and Tibnin.

Between 2010 hours and 2015 hours, enemy Israeli military aircraft overflew the Bint Jubayl area at moderately high altitude.

Acts of aggression in the field

On 1 May 2008, a group of cows belonging to the Israeli enemy crossed the withdrawal line as far as Birkat Ba`tha'il on the Lebanese side (opposite Kafr Shuba) in four groups as follows: eight cows entered at 1702 hours and departed at 1722 hours; four cows entered at 1730 hours and departed at 1745 hours; 12 cows entered at 1745 hours and departed at 1843 hours; and 14 cows entered at 1850 hours and departed at 1927 hours.

On 2 May 2008, between 1210 hours and 1908 hours, 60 cows belonging to the Israeli enemy crossed the withdrawal line to Birkat Ba`tha'il on the Lebanese side (opposite Kafr Shuba).

On 4 May 2008, at 1345 hours, an enemy Israeli foot patrol was spotted at position *shin*-11 opposite the 11th Brigade's observation post at Dahr al-`Asi (Mays al-Jabal). It took photographs of the post's personnel from a distance of approximately 700 metres and departed at 1355 hours.

Between 1510 hours and 1620 hours, 12 cows belonging to the Israeli enemy crossed the withdrawal line to Birkat Ba`tha'il on the Lebanese side (opposite Kafr Shuba).

On 6 May 2008, between 1410 hours and 1424 hours, 15 cows belonging to the Israeli enemy crossed the withdrawal line to Birkat Ba`tha'il on the Lebanese side (opposite Kafr Shuba).

On 7 May 2008, at 1800 hours, inside occupied Palestinian territory near border point BP37, an enemy Israeli patrol consisting of three Hummer jeeps halted. Two soldiers disembarked and made rude gestures towards personnel manning the Lebanese Army's `Adaysah roadblock (*lam mim* 11). This occurred in the presence of an Indonesian contingent patrol. When the roadblock personnel made an attempt to photograph them, the enemy patrol departed into Palestinian territory.

On 9 May 2008, at 1830 hours, inside occupied Palestinian territory opposite the town of Kafr Kila, an Israeli patrol consisting of two Hummer jeeps shouted foul language at automobiles passing on the Lebanese side, and then departed in the direction of the Metulla settlement.

On 10 May 2008, at 1923 hours, one cow crossed the withdrawal line near Birkat Ba`tha'il and returned at 1952 hours.

On 12 May 2008, at 1630 hours, inside occupied Palestinian territory opposite the town of Mays al-Jabal, three soldiers from an enemy Israeli patrol disembarked and proceeded to curse personnel at the Lebanese Army observation post in the aforementioned town and aim and cock their weapons at them for three minutes.

At 1130 hours, near the Fatimah Gate, while Mr. Khidr Shumar was dismantling a roadside guard rail (for the municipality of Kafr Kila), an enemy Israeli patrol halted on the opposite side in occupied Palestinian territory and four soldiers disembarked. They proceeded to direct foul language at Mr. Shumar and then continued on their way.

At 1535 hours, 15 cows crossed the withdrawal line to Birkat Ba`tha'il (Kafr Shuba) and departed at 1600 hours.

On 13 May 2008, at 0840 hours, 15 cows crossed the withdrawal line to Birkat Ba`tha'il (Kafr Shuba) and departed at 0925 hours.

At 1200 hours, on the outskirts of the town of al-Qahwanah east of the Radar outpost inside Lebanese territory, while Mr. Abdullah Zahra was herding livestock, enemy Israeli forces kidnapped him from inside Lebanese territory approximately 75 metres from the line of withdrawal and led him into occupied territory where he was detained until 1830 hours.

Between 1925 hours and 1955 hours, 55 cows crossed the withdrawal line to Birkat Ba`tha'il (opposite Kafr Shuba). All of them departed at 2033 hours.

On 14 May 2008, at 1430 hours, in the Shahl area on the outskirts of the town of Shab`a, as a youth named Isma`il Zahra was herding livestock 100 metres from the line of withdrawal inside Lebanese territory, an enemy Israeli forces patrol 30 metres from the line of withdrawal inside occupied territory called to him and asked him to approach them. He fled in the direction of the town of Shab`a, at which point the enemy patrol fired approximately 10 rounds of light-weapons fire in the air. This caused the herd to scatter, and the animals that scattered into occupied territory were detained there for one and a half hours.

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Letter dated 16 May 2008 from the Secretary-General addressed to the President of the Security Council

I have received the attached letter, dated 8 May 2008, from the Prime Minister of Lebanon (see annex), Mr. Fuad Siniora, in which he expresses the hope, on behalf of his Government, that the Security Council will respond favourably to the request of Commissioner Daniel Bellemare for the extension of the mandate of the International Independent Investigation Commission to 31 December 2008.

I thank the Government of Lebanon for its continued support of the Commission. I also welcome the request of Mr. Bellemare for the extension of the mandate of the Commission and believe that such an extension would assist the investigation.

(*Signed*) **Ban** Ki-moon

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Annex

Letter dated 8 May 2008 from the Prime Minister of Lebanon addressed to the Secretary-General

At its meeting on 5 May, during which matters pertaining to your report to the Security Council on the Special Tribunal for Lebanon [S/2008/173] were discussed, the Council of Ministers noted with great satisfaction the steady progress which has been made in the establishment of the Tribunal pursuant to Security Council resolution 1757 (2007).

The cabinet also welcomed your decision to appoint Judge Daniel Bellemare as Prosecutor of the Special Tribunal, hoping that he will assume his responsibilities in this capacity soon.

The Lebanese Government took note of the request of Mr. Bellemare, made on 8 April 2008, to the Security Council to extend the mandate of the International Independent Investigation Commission established in accordance with Security Council resolution 1595 (2005). We hope that the Security Council will respond favourably to this request by extending the Commission's mandate until 31 December 2008.

We are pleased that the ongoing preparations for the beginning of the functioning of the Special Tribunal for Lebanon are proceeding as planned, including the timely establishment of the Office of the Prosecutor.

(*Signed*) Fuad **Siniora**

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Security Council

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27 May 2008

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Letter dated 21 May 2008 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the open debate which is to be held on Tuesday, 27 May 2008, in connection with the item entitled "Protection of civilians in armed conflict".

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer

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